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Senate

(Legislative day of Thursday, October 6, 2005)

The Senate met at 8:15 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, sustainer of our lives, rescue us from the faults to which we are so prone. Keep us from saying one thing and doing another. Save us from criticizing in others what we condone in ourselves. Deliver us from demanding of others standards we make no effort to fulfill. Give us wisdom not to flirt with temptation but to avoid even the near occasion to sin. Protect us from an indecision that can't say yes or no and from a reluctance to break habits we know are wrong.

Bless our Senators today. Keep them from trying to please both others and You. Save us all from anything which would keep us from loving You with all our heart, soul, mind, and strength.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will vote on the Defense appropriations bill. That vote will occur at 9:15 this morning. I thank and commend Senator STEVENS for his patience and perseverance in getting this bill to the President.

We must complete action on the Homeland Security appropriations conference report before we leave. Senators will be notified if further votes are scheduled.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2863, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reed/Hagel amendment No. 1943, to transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Marine Corps, Operation and Maintenance, Defense-wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized until the hour of 9:15.

Ms. LANDRIEU. Mr. President, as the majority leader stated a moment ago, I also thank Senators STEVENS and INOUE, who worked here very late last night as we got to the end of the debate on the Defense bill. Of course, under the rules we have established, we could speak on that bill for up to 30 hours. Those 30 hours will be coming to an end at 9:15 under the rules of cloture.

Throughout the 30 hours as we debate this very important bill which funds our military men and women and continues their operations moving forward and helps to try to find a solution in Iraq and allocates resources to keep our military strong, we also have been talking a great deal about keeping strong right here at home, particularly keeping strong in the areas that need strength and support right now. That area, of course, is the gulf coast of our Nation, the great energy coast, the great trade coast, the great commerce coast. There are so many important parts of that coast, but the largest city, of course, in the middle of that coast is New Orleans, my hometown.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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We have spent a lot of time this week talking about how we can get the help we have promised to this region, to all the people of this region who have suffered. The poor have been crushed, the middle class are staggering, and even wealthy individuals with substantial businesses wake up every morning in Louisiana, Mississippi, Texas, and Alabama thinking, How are we going to get through this day to keep our business open, our employees employed, and take care of the community we have served so proudly for so long?

It is very hard to describe the magnitude of the destruction. Nothing anyone has seen on television captures it. I have watched a lot of television—not as much as I would like because we are busy doing other things, but I have seen a lot of what has come over on the television from CNN, from FOX, from MSNBC, I have listened to NPR, and I have tried to listen to the television. I have been there so many times and seen so much myself, I keep thinking I wish there were some way I could take a bigger camera or make a 4-hour movie to describe to this Nation the depth of the destruction along the gulf coast. Unfortunately, in situations such as this we cannot make a movie quickly. There will be many movies made and many books written. We cannot make one, though, in the next few days or weeks.

I was very fortunate to find the National Geographic special edition to describe our situation as my colleague, Senator VITTER, and I asked for help, more direct help, more immediate help, real help that we need to begin this long, complicated, difficult, and challenging rebuilding effort. I was very fortunate to find this National Geographic issue. We have sent copies to all of our colleagues. I thank the National Geographic again and mention that I just found out this morning that all of the proceeds from the sale of this special edition National Geographic entitled “Katrina, Why It Became A Man-made Disaster, Where It Can Happen Next,” all the proceeds are going to the victims of Katrina—and Rita because that storm came after Katrina hit—and will go to help the victims along the gulf coast from Texas, Louisiana, Mississippi, to Alabama. We so appreciate that effort.

In searching for ways I could describe the depth of the destruction, there are some pictures in National Geographic that give people some idea of what we are faced with. Again, these pictures cannot quite tell the story. While this looks like blocks and blocks along the gulf coast, this is probably the city of Waveland. It could be parts of Biloxi. It could be parts of Pass Christian. I am not exactly sure where, but it is somewhere along Mississippi. You can tell how pretty their beach is. We have a different kind of coastline in Louisiana.

The reason I have been spending so much time on this Defense bill talking about this issue is this is our war. This

is our Baghdad. This is a picture of parts of New Orleans with water as far as the eye can see. There is another picture that shows the city in the background and the depths of flood around it. This picture is a graveyard in New Orleans. Of course, we bury our dead above ground because there is so much water we cannot even dig a few feet down to bury them. This picture is one of our graveyards.

Looking through the National Geographic, when you see the pictures of destruction, I don’t know if the camera can see the depths of the destruction, the industrial canal, the Lower 9th Ward in New Orleans. These pictures could be shown from the western side of our State to the eastern side of our State, to New Orleans, to the gulf coast of Mississippi, into some parts of Alabama, and into some parts of Texas. Two million people have been displaced and are searching for high ground, for stability, for housing, for jobs. From the cities they fled, from communities they fled, in boats a lot like this. They are searching for housing, apartments, jobs, safety. Most important, what they need is help, real help—not promises, not photo-ops, but real, serious help.

Let me show some other pictures of people who need help. This is a gentleman in Lafitte. I would say he needs a little help. He may be interested in some tax breaks that people have offered around here. I don’t know at this exact moment what tax breaks might help him, but a fireman would be good or someone who could help drain out some of the water—maybe one of his employees from Lafitte, which does not have a tax base, who is about ready to go out of business, maybe someone who works for the little town of Lafitte that was created by Mayor Tim Kerner’s father, the father of Lafitte who helped create this town. I actually went to his funeral last week. He served with my father. When he was mayor of Lafitte, my father was mayor of New Orleans. We went to his funeral to pay respects to the family. His son now is mayor of Lafitte. I don’t know how long he will be mayor because Lafitte does not have a tax base to stay in business. This man used to live in Lafitte. If this town folds because we cannot get a loan to them, that is all they have. I don’t know where he goes, but he is looking for help.

This is a woman—I am sorry I don’t know her name, but there is a picture and description of her in the magazine. This woman looks pretty self-reliant to me. She obviously looks troubled and anxious. She is doing what she can to carry her two children to safety. People all over the gulf coast did this, basically by themselves, with limited support. A lot has been said about people not helping people, but David Johnson, who was unable to work, is carried from his home in eastern New Orleans by Mickey Monceaux. The authorities say the water is leveling off as Lake Pontchartrain empties in the gulf. We

have had people helping each other during this time, being as self-reliant as possible.

Here is another picture. National guardsman Jon Eric Miletello comforts his grandmother. This young man probably—because most of the National Guard in Louisiana have pulled triple and double duty in Iraq—probably just got back from Iraq. You can see how much he loves his grandmother, the way he is looking at her to help her get out of the floodwater.

I don’t know what city she lives in, but I can promise you that National Guard specialist would appreciate it if this Congress could take a billion dollars of the \$43 billion that is sitting in a bank account going nowhere, doing nothing, and lend it to the cities and the towns and communities on the gulf coast to help his grandmother figure out what she might do in the next few weeks and months and years. We are not certain about what his grandmother’s future is, but we would like some time to figure it out.

I know a lot of people have died in Iraq. I have had 42 soldiers die in Iraq. Our elected officials have gone to as many funerals as we can possibly go to. We have written as many letters to their families, and called them. We have had about 942 people die from this disaster.

Our challenge right here at home—and not to underestimate in any way the lives that have been given to protect this country. We want to get our soldiers home and protect them. That is why we are passing this bill, and that is why I am not holding this bill. I can’t hold this bill because we have 30 hours of debate, but I have taken time through this 30 hours to talk about the war right here at home.

“Here lies Vera. God help us.” In New Orleans, as people were dying with no place to go, the neighbors built makeshift coffins. This one could still be there. It was there when a National Geographic photographer took it maybe a week or two ago. It could still be there in a neighborhood in New Orleans. Many of the bodies that are yet unidentified are in the prison at St. Gabriel. That awesome and gruesome situation is being worked out as I speak.

In the midst of all of this tragedy and destruction of cities and towns and high water and inadequate FEMA response, my colleague and I came to the floor and have been working through the week in meetings and letter exchanges and telephone calls, working with Senators, trying to work with the House, trying to work with the administration to say: OK, we know things aren’t working as well as they could. What can we do to try to fix it?

We came up with a suggestion. Let’s take a billion dollars from the \$43 billion that FEMA has sitting there that has already been allocated and move it to an already established loan program to give the cities and counties and sheriffs and law enforcement the help they need for 3 months, just 3 months,

while we go on vacation again. Just give them 3 months. Lend them some money to keep their lights on, to keep their cities and their communities and the hospitals open until we can figure out a long-range plan.

We may have to refinance some debt. We may have to close areas down permanently. We hope not, but maybe we will have to. We are going to have to do a lot of things we never thought we would have to—such as build a good levee system. We will have to do that. So we came to ask for a loan under the program that has been established since 1972.

We have basically been told—even after working through the night, after offering a variety of different compromises—I am sorry, to the Louisiana delegation; I am sorry, to the Mississippi delegation; I am sorry, to the Alabama and Texas delegation, but the only way that we will lend you the money is if you pay it back under different terms than anyone has before and that anyone will be asked to do in the future.

With 45 minutes left in the debate, still the only way that we can get 3 months of operating expenses, under a program that already exists, with money that we have already allocated that is sitting in a bank account doing nothing, is to agree to tight-fisted lending policies that have never been applied to anyone else in America and, according to the draft that I saw last night at 2 o'clock in the morning, will not be applied to anyone in the future. But for Louisiana, Mississippi, Alabama, and Texas, the Gulf Coast States—and not all of Alabama but just the regions hit by the storm—for those counties, the only way you all on the gulf coast can get the money is under a new, tight-fisted, basically what one could describe as higher interest rate loans because there is no way under any circumstance, according to the draft I have seen, no matter how dire your situation, that you could ever be given any reprieve whatsoever to not have to pay the whole thing back.

Some people have classified this latest offer from the Republican leadership as a compromise. A compromise is an effort to do the best you can for people while preserving some important principle. This is no compromise; this is an agreement between the rightwing and the far rightwing, people who are holding the power and are not willing to use it on behalf of people who need help. The gulf coast of Louisiana has been hit by the worst hurricane in the history of our country. Then we were hit by a disastrous break in a levee system that was not supported, not built to standard, and not invested in by a nation, and in some measure by our own selves, but in large measure by a nation that refused to recognize the importance of this levee system, not just for the people of Louisiana and the southern part of Mississippi but a levee system to continue to bring trade and

commerce and jobs and wealth to a nation that needs and was actually built on the banks of the mighty Mississippi River.

Despite decades of speeches from members of our delegation about the importance of investing in levees and even agreeing to take some of our own revenues generated off of our coast to invest in hurricane protection and levee protection, we were in large measure left to fend for ourselves in a way that while the Federal Government contributed money, those moneys kept getting less and less relative to other spending and other priorities in Congress, until we were left with a second-rate levee system. Now we have a major disaster on our hands.

It is extremely important that the people of our country know that there is a way that we can rebuild this region; that there is a way that we can pull together to do it. When we make suggestions as simple as getting \$1 billion to go through a loan program that is already established with money that has already been appropriated, when we are told, that is too much to ask, we can't do that, we can't afford to do it because the people of the gulf coast just have to understand that you have to take this on terms and conditions that no one has been asked to before and no one will be asked to after, is a hard thing for this Senator to accept.

A historian once described New Orleans as an inevitable city in an impossible location. That pretty much captures where we are today. We are having an inevitable debate that places the people of Louisiana and the gulf coast in an impossible situation. We are asking for a 3-month loan to keep our cities and communities operating, for our sheriffs, for police, for firefighters, for critical city workers, for some of our hospitals that, despite the worst storm in the world, stayed open, kept their lights on, kept serving people, and are sustaining a region of this country that is vital for the future of the Nation. We ask for a loan, and we get nothing but empty promises and tight-fisted lending policies when we need help.

We have been stuck by the worst natural disaster. We now have a third-rate FEMA operating, a second-class levee system, and now, to pour salt on the wound, a tight-fisted lending policy applied only to us. I am asked, basically: Senator, take it or leave it. That is a hard question to ask any Senator—take it or leave it. That is why I have taken all of these 30 hours to consider what our options are, to try to bring our case to the American people, to ask the country: Is this fair? I don't believe it is, but life isn't fair.

Our job is to try to make it more fair. That is why I am here. I don't know, I hope that is why everybody else is here. But that is why I am here. I would hope that my colleagues would think, particularly in the Senate, Republicans and Democrats, that that is why we are here.

Talking about Senators, I thank the Senators who worked through the night trying to come up with a real compromise, a compromise with dignity, a compromise with some hope, a compromise that would give our cities some hope that somebody in Washington is listening. The junior Senator from Delaware, Mr. CARPER, who has no immediate interest other than he was a former Governor, a former House Member, he spent time on my and Senator VITTER's behalf on the House side trying to talk to the leaders of the Republican Appropriations Committee to say: Why are you asking for new terms for Louisiana, Mississippi, Alabama, and Texas when you have given these terms before to others?

We know we are asking for the cap to be raised. The cap has been raised before. There is a \$5 million loan cap on a program where our cities, not only New Orleans, which is the largest, but the parishes of Jefferson and St. Tammany and St. Bernard and Plaquemine—their monthly operating budget in the city of New Orleans is \$20 million. So ask me what borrowing \$5 million would help? A week? That is what we would be able to borrow, 1 week?

So we have asked for the loan cap to be raised so the cities can borrow some money, and the parishes and the sheriffs, which are not included specifically in the language of the "compromise" that has been offered, they are not specifically included. It has been inferred that our sheriffs are included. But our sheriffs are elected. They are different from the rest of the country. They perform a tremendous service to our State and to our parishes. They were the ones who carried people on their backs to safety. They were the ones who helped keep law and order. They didn't do everything perfectly, but they did the best they could under a very difficult circumstance. They are not even specifically in the compromise. If we can't keep law enforcement operating, if we can't keep our lights on, if we can't keep some running water in what pipes we have left, if we can't keep the mayors and the parish councils at work having meetings, turning on city hall, trying to mop out their city halls, could anybody here tell me how we begin to rebuild a region without basic, essential community services? I don't know.

I know the private sector can do a great deal. But you know what the private sector people coming into my office tell me, whether they are big business or small: Senator, we need lights. We need water. And, Senator, please tell them to stop sending us bottled water; I need for the water to go on in my business because my employees want to come back to work, but I can't bring them back to work without water. If we lay off the sewage and water board and the people who work to turn on the water, how in the heck are we going to get water and electricity on? If you are trying to give a

tax credit to a small business or big business, I don't think it is going to work very well.

The Democratic leader, Senator REID, worked through the night. The junior Senator from New York, Mrs. CLINTON, worked through the night. Senator BARACK OBAMA came down here at 1:30 in the morning and asked if there was something he could do. Senator BLANCHE LINCOLN from Arkansas, who has been a great voice for us, although her State was not directly impacted, has come to the floor many times this week to say the 75,000 citizens who were evacuated to Arkansas would be well cared for and well taken care of but has asked for some help with their health care system as Arkansas struggles to provide health care services to these individuals, and they have been turned down time after time.

I have a word for the people of Louisiana. The men and women I mentioned are your true friends as Senator VITTER, my colleague from Louisiana, and I have worked together to try to forge the best possible arrangement we could make for the people of our State. Without a bit of self-interest, they have fought for you. They have searched throughout the night for a true compromise.

I am proud to serve with these colleagues of mine because they do not believe the people of Louisiana should have to trade their dignity for cash. But that is basically what we are being asked to do, in the opinion of this Senator. In other words, Senator, you can have the loan for the people of your State, but you are going to take it under a tightfisted policy that has never been applied before to anyone and, by the way, according to the script that we are going to give you, it won't be applied to anyone in the future, but only for you—for Louisiana, for Mississippi, for Alabama, for the poor, for the middle income, and for the rich. Only for you all in the South is this going to be applied. Take it or leave it.

I hope the people of Louisiana, whom I have proudly represented for so long, can understand why I spent the evening here and why I am going to continue to stay at this desk as often as I can in between trips home visiting with local elected leaders trying to help organize meetings, supporting all the local officials—Democrats and Republicans, Black and White, urban and suburban, rich and poor citizens to try to help us rebuild a State that is not only a State we love, but a region that the country needs, even though the country refuses to understand how valuable we are to them.

I think people can understand why the situation is as critical as some of us are trying to show. The devastation is enormous. It is unprecedented. Our options are limited. FEMA is not working. The Red Cross is getting very mixed reviews, and I say that with the greatest respect for a very great organization. But we are getting very

mixed reviews about the Red Cross. We have 50,000 people in shelters with nowhere to go, no housing available even if you presented vouchers. I am not saying we do not need them, but it is not an option that is working well because our cities are so full of people who have left the south of our State to find shelter, to find jobs, to find stability, and to find their families because the old voucher program is not working very well.

We have people in hotels. That causes problems with the business community because when they have conferences or visitors, they cannot get their own executives into the hotels to do business in the city.

I have talked a lot about New Orleans. I have talked a lot about Lafitte, Grand Isle, Plackman, St. Tammany, and Calcasieu, but let me, for a minute, talk about Baton Rouge, our capital city, and Lafayette, the heart of the Cajun culture in our State, and Monroe, the home of my husband and our home for 6 years, and Shreveport. These are our other major cities that sit to the north in our State. These cities were struggling to pay their bills to make things work for their communities, some of them growing quite fast and doing quite well but, as we know, when counties and parishes grow, their school systems are strained and their transportation systems are strained.

They were managing just like we all manage and do the best we can. And then overnight, the city of Baton Rouge, under the great leadership of Kip Holden and a great council, ended up getting 150,000 new citizens in 1 week—150,000 new citizens in a city of 350,000. They might need to borrow a little money. When you try to move in Baton Rouge from one part of the city to the next, the traffic is back to back. Lafayette is the same way.

So I do not want the people of my State to think I am not aware that there are not impacts everywhere. Again, this is a program that has existed for the benefit of everybody in this country, and we have asked to take \$1 billion from FEMA and move it—not new money, but money that is sitting in FEMA's bank account that they cannot spend, and give it in loans under the same terms and conditions as other States to which it has been given, and we are told "no."

From the authorization of this loan program in 1974 through December 31, the Federal Government disbursed nearly \$100 million in 42 loans. Of that amount, millions have been repaid, some of it has been canceled, 7 were fully canceled, 3 were partially canceled, and 29 remain outstanding, of which one has been partially canceled.

This is a program that has worked for everybody in every disaster—earthquakes, hurricanes—but when the people of the gulf coast ask for it under the leadership of the tightfisted House of Representatives, the only way we can get the loans is under new terms at basically a higher interest rate. The

higher interest rate is reflected in the fact that there will be no forgiveness, under any terms, whatsoever written into the law.

It is not available to sheriffs, and it is not available to hospitals—not explicitly available to law enforcement. You might interpret it, someone could make the argument, but we have read the proposed language, and it is not in the bill.

Some people have said this is a way to help law enforcement. They are not in the draft I have seen. We tried to put them in and that was rejected.

Mr. REID. Will the Senator yield for a question?

Ms. LANDRIEU. Not at this minute, but I will in just a second. I will be happy to yield in a moment.

So we have worked through the night, Mr. President, trying to come up with some available options for the people of Louisiana, Mississippi, Alabama, and Texas as they seek to work through a very complicated and difficult situation to try to pull efforts together to make loans available for 3 months.

I have shown this picture throughout the week. That is why, as I close over the next few minutes, I would like to show it again. You can find this picture in the National Geographic, "A World Upside Down." This is Long Beach, MS, a week after Katrina hit. This is Mrs. Leona Watts. The National Geographic says that her home "rests amid the bones of the home where she has lived for 61 years."

The National Geographic goes on to say:

Many Mississippians felt abandoned in the days after the storm as national attention—and relief efforts—seemed locked on New Orleans.

I have asked throughout the week if the city of Long Beach or the cities in Louisiana can get some infusion of cash to help them go through. I don't know what kind of tax credits and other possibilities could help here, at least not in the next few weeks or few months. I am confident that targeted strategic tax cuts can help to rebuild this city.

I am almost certain that in Mississippi—I am not completely certain—that the State could actually borrow money to help this situation. But I do know one thing because I was State treasurer of Louisiana for 8 years: Our State is prohibited from borrowing money for operating expenses because our constitution states that it is fiscally irresponsible because, under normal circumstances, it is irresponsible to borrow money for operating expenses if you are a State. You should borrow money to invest in ports, roads, and infrastructure, not to maintain a lifestyle. Every family knows that. So in Louisiana we have not allowed it for quite some time.

So if I have stood on the floor a little longer for some people and tempers have gotten a little short, I have to stand here to try to explain that while

our State might be in a position to borrow money, although they got a report last week that they are \$1 billion short in their own revenue, but even if they were not \$1 billion short, the Constitution of Louisiana does not allow the State to borrow money.

The State's largest city is laying off thousands of workers by the day. In the city that we keep saying we are going to stand up for, people are being laid off, the city that people still visit for photo ops to say, We are with you, we are not abandoning you, we are there.

My colleague and I come here to ask for \$1 billion out of \$43 billion to give a loan for 3 months for police, fire, law enforcement, to get the lights on and to get the water through the faucets. And we are told: Sorry, the only way that we will give you that money, the only way we will lend you that money is under new policies designed especially for you that no one in the past and no one in the future has to accept. But you, Louisiana, Mississippi, and Alabama, have to take it or leave it.

So through the night, we offered one compromise after another—a real compromise.

Again, the Senator from Michigan is in the Chamber. He helped through the night. Senator REID was particularly supportive, and I have said thank you to Senator STEVENS who is not now on the floor but will be here. He was quite patient through a difficult night. This is a difficult bill.

We have had to take some time, as we have gotten it at the end of the debate on defense, to talk about this. It was our only option. We said just lend us the \$1 billion under the same old and good and steady and traditional programs. That was not accepted.

We have said if the Senate would come together and act, my colleague and I have made it clear that we want the money to be for sheriffs, for several of our hospitals that are in a desperate situation, to allow the cities and parishes to borrow money, and we would be willing, or I would be willing, to send two bills over to the House with Senator VITTER and Senator FRIST's name on both of those bills so the Senate could go on record saying we are ready to act. And if the House wants to pass either one of these, they can pass one and send it to the President's desk and then they can decide whether we should be treated the same or treated differently. And I would live with that. I have made my point clear, I believe, and I have made myself clear in representing the State. We should be treated the same way. But if the House of Representatives decides that we should be treated a different way, if the President of the United States wants to explain why we should be treated differently, I would be happy to send two bills over and let the House of Representatives, under the control of the Republican leadership, decide what they want to do. But that was not acceptable.

So I have stayed here through the night working on as many suggestions

as Republicans and Democrats in the Senate, and my colleagues for whom I have a great deal of respect, suggested, and yet at this hour, a few minutes before the 9:15 vote, the only "compromise" we have is for the people of the gulf coast to take it or leave it—under different terms than have ever been asked by anybody before and will not be asked of anybody in the future.

Last night when I pressed this issue of whether we would be treated the same way, we were told that we could be and we would be. But when we read the bill, the text, it says in added language on page 2—it is a very short bill, so I want to read it for the RECORD. This is the new provision that has been offered to us:

Provided further, notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.

... notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.

That language has never been in any act, and before anybody tries to say, well, we are lifting the cap, the cap has been lifted before. Loans have been extended. Never has this language been put in. But this is the Republican leader's tight-fisted money policy that says "such loans may not be canceled."

So the people of my State are in a pretty tough situation—and the people of the gulf coast. We have had a category 5 storm, the breaking of a levy system, everything people have worked for, hoped for, dreamed of—destroyed.

The Federal Government sent us a third-rate FEMA, offered a second-rate levee system, and now a tight-fisted lending policy, and then criticized us for not being more self-reliant.

This woman lived in this house for 61 years. The reason I like to keep showing this picture is she looks a lot like my grandma. And because I know, because I know how self-reliant my grandmother was, I am just going to assume that she was a lot like my grandmother, Loretta Landrieu. My grandmother never graduated from eighth grade. She worked her whole life three jobs. She raised 2 boys and 19 grandchildren. She never asked the Government for any money. When she died, she had \$19,000 in the bank. She gave each one of her grandchildren \$1,000, and she bought us a little camp for \$15,000 on Lake Pontchartrain. In 42 years, the 8 of us raised 37 children in that little camp, with no air-conditioning, and we had a great time. Then as we grew and the family grew and we got a little more prosperous, we put in air-conditioning and we expanded it.

But this is what my grandmother, if she were still alive, this is probably what she would be looking at right now. And I have to listen to people in Washington, the power in Washington, the Republican power from the White House, to this Senate, to the House, tell me that people in the gulf coast area need to be more self-reliant. This woman has lived in this house for 61 years. She has probably paid the mort-

gage. She has probably raised children, worked in her church, never been late for her taxes, just like my grandmother was—every Sunday morning of her life in church. The Catholic Church that she went to doesn't exist anymore. It was washed away in the 29 feet of water that came over Slidell, LA. And I have to listen to the Republican leadership tell me: Just rely on faith-based institutions and private sector involvement.

Our faith-based institutions have done great work. I am so grateful for the many missionaries and churches and synagogues that have come to help. The church in this neighborhood is gone. Maybe another church from Ohio will come down, or Michigan, but this lady's church is gone. Our churches are gone. Our synagogues are gone. And our businesses that are always there to help, that have been helping, that have been keeping people on their payrolls when they had no money coming in the front door, keeping their employees on the payroll, putting up trailers, putting up tents so their employees could come and sleep in the parking lots so they could work in the offices, we are not self-reliant enough.

So this Senator comes to ask for \$1 billion to lend to the communities such as this, and I am told: Sorry, Senator, we can't loan you the money the way we have lent it to everyone for the last 30 years. And by the way, when we do it again in the future, we are going to lend it to everybody under the old program, but just for you we have a special deal. Just for you all we have a special deal.

Here is another man who needs help, and for him we have a special deal—the Republican leadership. We lent money to everybody in America since 1974 under certain terms, but for you, you get a special deal. For this lady walking out of the Superdome—I think this is the Hyatt in New Orleans; I think this is where this is—she is doing the best she can. Obviously, she only has two arms and she has two babies and she is carrying them both—with one blanket, a bottle, and a bottle of water for two babies. No store open, and she comes here to ask for help, and I am told by the Republican leadership in power: Sorry, we are going to lend you the money but under different circumstances.

How much time do I have remaining?
How much time do I have remaining, please?

The PRESIDING OFFICER (Mr. AL-LARD). The Senator has 3½ minutes remaining.

Ms. LANDRIEU. I thank the Chair.

This is the National Guard, Jon Eric Miletello. He has probably pulled double duty in Iraq because our National Guard has been there, trying to stand up Iraq, standing up water systems in Iraq, putting down sewer systems in Iraq, so he comes home and this is what he finds: his grandmother in 5 feet of water. And when we come here to ask for a loan for this town to help

them out just for 3 months, we have to get a different deal.

So in the last 3 minutes I am going to ask the Senate, since they said that they would do this, they want to help, to send this over to the House. Let the House make the decision. Let the House leadership make the decision whether they want to lend us the money under the traditional program or give us yet a special deal for people of the gulf coast.

So I am prepared to ask unanimous consent that the Senate proceed to the immediate consideration of S. 1855, and for that bill to be read and passed. This bill would allow the Stafford Act money to be given under the same terms and conditions as it was to everyone else.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Objection.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate would send the bill over to the House to say that such loans may only be canceled with the approval of the Office of Management and Budget, so that they could be canceled but only Management and Budget could make that decision.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. Objection is heard by the Chair.

Ms. LANDRIEU. Mr. President, those are the best ideas we have had. They are obviously not enough. I thank my colleagues for their patience. I understand it has been a difficult time, but this is a difficult situation, and I know that we have held everybody here a day longer than they thought they would be here. We thought we would get out of here about 10 o'clock last night, or 11. I thank Senator STEVENS for his patience. He has been very patient, and Senator INOUE, as they have managed this bill. I thank Senator FRIST for the hours of discussions that he has had, but I will say in closing that when you have power, Mr. President, I believe that we should use it in the wisest and best way. I don't think the work we are doing here is the wisest and the best. It may be the best we can do, but this Senator does not think it is what we should do.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Before the vote, let me quickly explain the two objections and then I will have a unanimous consent request of my own.

Basically, the language of both of the bills that have been put forward has not been reviewed by anybody except maybe two or three people on the floor of the Senate. Second, we do have legislation, the Vitter bill, that has been vetted with the administration. We talked to the Republican leadership in the House. I believe strongly we can

pass this bill over the course of the day.

Having said that, I now ask unanimous consent the Senate now proceed to the Vitter bill which has been at the desk since yesterday. For the information of all Senators, this bill is the same language we have cleared and have been working on for the past 48 hours.

I further ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. FRIST. Regular order, Mr. President.

Mr. LEVIN. Reserving the right to object. May I ask a question?

The PRESIDING OFFICER. Regular order has been called for. The Senator must—

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

Mr. STEVENS. Mr. President, in fiscal year 2002, Congress provided \$5 million in the Department of Defense appropriations bill to transport and distribute wheelchairs to the victims of overseas conflicts, landmines, and crippling illnesses if matched by private funds. These funds were allocated from amounts provided to the Defense Security Cooperation Agency, DSCA. Since that time, the DSCA has worked with a nonprofit organization called the WheelChair Foundation to deliver over 120,000 wheelchairs to nearly 100 countries, including 5,810 to Afghanistan; 2,400 to Iraq; and over 3,900 to Jordan.

I believe it is vital that we plan and invest not only to win the wars we fight, but also to win the peace. In that regard, this program has been an unqualified success. The hope and chance for a new life that a wheelchair can provide to someone who could never afford one has value beyond measure. Additionally, this program gives us the opportunity to leverage Federal support with the efforts of the nonprofit sector to accomplish more than we could do alone.

The funding specifically earmarked for this initiative in fiscal year 2002 will likely be exhausted within the year. The legislation we are now considering would provide the full amount of the President's request for Overseas Humanitarian, Disaster, and Civic Aid of \$61 million. It is our hope that funding will be available for this activity in the coming fiscal year if appropriate humanitarian needs are identified.

Mr. INOUE. Mr. President, I appreciate the comments from the chairman, and commend his leadership on this issue. I am familiar with the successes that this program has enjoyed. Providing wheelchairs to the victims of overseas conflicts is an important program, and I encourage our Federal agencies to support this program.

WAR RELATED ILLNESSES

Mr. LEVIN. Mr. President, we have before the Senate the fiscal year 2006 Department of Defense appropriations bill, H.R. 2863. This legislation makes a valuable contribution to our Nation's efforts to enhance the quality of life for our soldiers, sailors, airmen and marines as well as their families, while continuing to transform our military forces to ensure that they are capable of meeting the threats to America's security now and in the future.

Mr. INOUE. The committee bill seeks to improve pay and benefits for our military personnel and makes considerable improvements in medical care that our men and women in uniform and their families receive. In addition, funding has been included to fund a Peer Reviewed Medical Research Program that addresses a wide array of important medical programs.

Mr. HARKIN. I agree with the Senator from Hawaii about the significant efforts made by the committee bill to address the well-being of our soldiers, sailors, airmen and marines. Of particular interest to me is peer-reviewed medical research that examines gulf war illnesses and their relationship to chronic multisymptom illnesses. I believe this research could provide valuable insights into diagnosed post-deployment illnesses.

Mr. JOHNSON. My friend from Iowa is correct. For the past several years, the Center for Chronic Pain and Fatigue Research has conducted research on the internal mechanisms and most effective treatment of gulf war illnesses and other undiagnosed post-deployment illnesses. This research has been funded by Congress and overseen by the U.S. Army Medical Research and Materiel Command and its peer-review process. Continued funding for this program will enable the continuation of research into a variety of illnesses reported by personnel upon returning from the gulf war.

Ms. STABENOW. I would agree with my friend from South Dakota. The Center for Chronic Pain and Fatigue Research at the University of Michigan is the national leader in the research of chronic multisymptom illnesses. Their recent research has used advanced functional brain imaging technology to demonstrate the similarity in dysfunctional pain processing between a group of veterans suffering from gulf war illnesses and a group of civilians diagnosed with fibromyalgia. The center's work has taken on added importance because of our Nation's current military deployments and deserves the continued support of Congress and the Department of Defense.

Mr. LEVIN. As the Senators from Michigan and South Dakota have noted, many soldiers returned from the gulf war with a variety of symptoms that have no discernible cause. Although environmental exposure in the gulf war cannot be ruled out as a cause, many believe that stress is a factor that may have contributed to these illnesses. I hope that efforts will be made

to ensure that this bill provides adequate funding to ensure the continuation of this important research.

Mr. STEVENS. I understand the concerns that my colleagues have regarding poorly understood illnesses that have affected military personnel in nearly every conflict since the Civil War, and most recently in Iraq and Afghanistan. As chairman of the Defense Appropriations Subcommittee, I want to lend my support to this important research.

AM2 AND COATINGS REMOVAL TECHNOLOGY

Mr. BURNS. Mr. President, I would like to thank the chairman for his continued efforts to ensure a strong national defense. I am well aware of the tight budget structures the subcommittee faced when marking up the bill. I would like to draw attention to two important programs for future consideration that may have great benefit to our military.

The refurbishment of aircraft fuselages and engines, ships, and jet engine turbine blades requires the removal of paint and other coatings, but can be extremely costly if, while removing the coating, the underlying surface is damaged. I am told that laser technology is able to detect, in real time, when coatings have been removed, thus avoiding damage to the item being serviced. Further, I am told the Air Force Research Laboratory has expressed interest in spectroscopy-based technology as it may assist them in developing robotic systems for coatings removal of large off-aircraft components, as well as developing systems in the future for de-coating large on-aircraft components.

Providing for a lightweight replacement for Air Field Matting, AM2, is among the Top Ten mission critical technology needs of the Department of Defense. AM2 is an outdated 40-year old system currently used by the Air Force, Marine Corps and Army to establish temporary airport systems in the field. I have learned it may be too heavy to deploy easily and unsuitable for missions where mobility and speed are necessary. Lattice Block Structures may be an option to serve as a stronger, lighter and more portable replacement to the antiquated AM2 matting. Fiscal year 2006 funding for Lattice Block Structures could enable DOD to more rapidly establish temporary airfields in support of critical military missions.

Mr. STEVENS. I say to the distinguished Senator from Montana that I appreciate him bringing these important programs to my attention and to the attention of the Senate. I look forward to working with him on these and other important matters that affect our military and national defense in the days and weeks to come.

Mr. MCCAIN. Mr. President, the pending measure, H.R. 2863, the Defense Appropriations Act for Fiscal Year 2006, will provide our men and women in uniform with the equipment, benefits, and programs they need to

carry out their critical missions at home and overseas. Having said that, I must again voice my dismay at the Senate's inability to authorize these appropriations. Critical programs and benefits have not been authorized. The authorizers layout the priorities, and the appropriators fund. Unfortunately, this time honored practice is not being upheld.

As I look over the bill, I see that, as reported in the Senate, it trims \$7 billion from the administration request, leaving that amount available for non-defense appropriations. I am pleased that the cuts are reductions for programs that were underexecuted in the last fiscal year. Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

I have already spoken at length during debate on this bill, so I will not take up much more of the Senate's time again. I am pleased that the Senate recognizes the importance of America's greatest strength, the acknowledgment that we are different and better than our enemies. We are Americans, and we hold ourselves to humane standards of treatment of people no matter how evil or terrible they may be. To do otherwise would undermine both our security and our greatness as a Nation. The Senate spoke with a strong voice this week, and I urge the conferees to include the detention-related amendment in the conference report that will be sent to the President.

With Americans deployed across the globe fighting terror, deployed at home in recovery of Hurricane Katrina, and with looming budget deficits, the Senate faces some tough choices. We must maintain our fiscal responsibility while providing for our military needs. The cost of the conflicts in Afghanistan and Iraq demand a new fiscal sanity in our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the bungee of pork barrel spending that consumes an ever growing proportion of our federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks represent a significant burden to American taxpayers.

Some of the more egregious examples of earmarks, either in the bill or in the accompanying report, include:

The bill includes language to provide \$10 million for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel in West Virginia.

The bill includes language to provide \$3.5 million above the President's budget request to procure aircraft and aviation equipment for the Civil Air Patrol.

The bill includes language to provide \$19,000 above the President's budget request to procure vehicles for the Civil Air Patrol.

The bill includes language to provide \$3 million to support the National Museum of the United States Army at Fort Belvoir, VA.

The bill includes language to provide \$2 million for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility at Naval Computer Telecommunications Area Master Station, NCTAMS, in Hawaii.

The bill includes language to prohibit the procurement of foreign ball and roller bearings. This "Buy America" restriction with regard to the procurement of ball and roller bearings may cost the taxpayers more than purchasing ball and roller bearings from a foreign source.

The bill includes language to direct the Secretary of the Army to fully plan, budget, program finance the Non-Line of Sight Future Force cannon and re-supply vehicle program, NLOS-C, in order to field this system in fiscal year 2010. Furthermore, the bill language directs that if the plan to field the Future Combat System, FCS, in fiscal year 2010 is delayed then it directs the Secretary of the Army to develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. Moreover, the bill directs the Army to deliver 8 combat operational pre-production NLOS-C systems by the end of calendar year 2008, in addition to those systems necessary for developmental and operational testing. Section 8103 to H.R. 2853 Separating the Non-line-of-sight cannon, NLOS-C, program from the Future Combat System, FCS, will increase costs and program risk because it invalidates one of the key underpinnings of the FCS program which is to have a family of systems based on equipment commonality. The original concept for the development of the manned ground vehicle was to design and produce a common chassis for all manned ground vehicles. Separating NLOS-C from FCS fundamentally changes this principle and further complicates the development of this already complex and yet critical Army weapons system. Furthermore, bisecting FCS will increase development and sustainment costs and negatively impact systems interoperability. The AirLand Subcommittee on the Senate Armed Services Committee is the appropriate subcommittee of jurisdiction in this matter. Although we had hearings on FCS in the subcommittee this year, we did not hear expert testimony in support of this specific provision. As a result, I intend to offer legislation to repeal this provision in the Defense Authorization bill at the appropriate time.

The bill includes language that authorizes the Secretary of the Air Force to spend \$32 million to make upgrades, repairs, and build additions to buildings and other types of infrastructure associated with military ranges in Alaska.

The bill includes language to provide \$12.9 million in grant money and directs the Secretary of Defense to spend the money for the following: \$850,000 to the Fort Des Moines Memorial Park and Education Center; \$2 million to the American Civil War Center at Historic Tredegar; \$3 million to the Museum of Flight, American Heroes Collection; \$1 million to the National Guard Youth Foundation; \$3 million to the United Services Organization; \$2 million to the Dwight D. Eisenhower Memorial Commission; and \$1 million to the Iraq Cultural Heritage Assistance Project.

Section 8062 of the General Provisions. The text states that, "each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills." I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

And 2.2 million for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

And \$65 million for the Additional Procurement of F-15s. The Air Force has decided to procure the F-22 to replace the F-15. Yet this earmark keeps the F-15 production line open, so I question the necessity of the F-22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

And \$2 million for the Air Battle Captain Program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

And \$8 million for repairs to a specific building at Rock Island Arsenal. I can think of 8 million reasons why the military, not the Senate should allocate funds to fix their priorities.

And \$10 million for repairs to utility tunnels at Fort Wainwright. The tunnels

aren't broken, mind you, but the owners would like new doors put on them. This appropriation looks to me like an open door to fiscal irresponsibility.

The damage these earmarks do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' favorite projects include:

The \$25 million for the Hawaii Federal Health Care Network. I remember only 2 years ago when this particular project was given \$23 million dollars. Some things never change.

And \$2 million for the brown tree snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. This funding does not belong in the Defense Appropriations Act.

There are many earmarks that funnel dollars to worthy medical research programs, such as breast cancer research, but there is no compelling national defense reason for these items to be in this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of "Buy America" provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers \$5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a do-

mestic supplier in certain product lines. This not only adds to the pressure for our allies to "Buy European" but it also raises the costs of procurement for DOD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DOD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. There is no justification for including these provisions in the Appropriations Act.

This bill spends money on Lewis and Clark and funnels cash into military museums. It protects the mooring chain industry and ensures that we only buy American ball bearings. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to appease local constituencies and special interests.

I wish it were not necessary for me to come to the Senate with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop "porking up" our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

Mrs. FEINSTEIN. Mr. President, I was pleased to join with the distinguished Chairman of the Defense Appropriations Subcommittee, Senator STEVENS, in offering an amendment that has been accepted as part of the managers' package in the Fiscal Year 2006 Defense appropriations bill.

Specifically, this amendment would require the Office of Management and Budget, along with the Department of Defense and Department of Homeland Security, to conduct a study on "improving the response of the Federal Government to disasters."

I believe this study is essential as it is clear to me that there were breakdowns at every level in our response to Hurricane Katrina.

Moreover, it is critical that the Federal Government improve its response to future disasters.

The study required by this amendment would: review the Federal Government's ability to coordinate and expedite its response efforts; evaluate the role of our military in responding to disasters; consider establishing criteria for "automatically triggering" the

military's participation in emergency response efforts; and look at increasing the role of the U.S. Geological Survey in preparing and responding to future disasters.

In addition, the amendment requires that the Office of Management and Budget prepare a report based on the study that includes: recommendations for improving the Federal Government's response in future disasters with a focus on the military; and proposals for legislation or regulations to implement these recommendations.

Lastly, I would like to express my disappointment that the amendment does not direct the study to analyze the role of the National Guard in responding to disasters.

While I wholly join those colleagues of mine who have commended the untiring and dedicated work of the National Guard in responding to the recent hurricanes, I believe that including an assessment of the National Guard's capabilities is critical to understanding the broader implications of our government's emergency response mechanisms.

As the principal resource available to States to assist in disaster response efforts, it would seem vital to consider the Guard's capabilities under both State and Federal control, and the mechanisms currently established for mobilizing out-of-State Guard units to assist in any response.

Part of such a review would certainly have included a proper evaluation of whether the National Guard currently has the necessary resources and equipment to respond adequately to disasters.

The study required by this amendment is not about placing blame or pointing fingers; there is plenty of fault to go around. Rather, it is about assessing our capabilities to respond to future disasters, and addressing our weaknesses.

As I have said in the past, we need to ensure that we have a system in place that allows the Federal Government to come in immediately with the full force of its resources and assume primary responsibility for response and relief.

Now is the time to prepare for future disasters.

The study and report required by this amendment will provide us a roadmap for enacting the necessary reforms within our Government to make sure we never again have to observe the failures like we experienced during Hurricane Katrina.

Mr. FEINGOLD. Mr. President, although I support passage of this year's Department of Defense appropriations bill, I am deeply disappointed that the Senate has not been allowed a full debate on the Defense authorization bill. It is unconscionable that the Defense authorization bill that is so critical to our men and women in uniform has been allowed to languish for over 5 months. The appropriations bill includes funds for many important items

I strongly support, including vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. However, vital defense policies are contained in the authorization bill, including policies with a direct impact on military families, such as pay and benefits. The Senate's strong bipartisan efforts to make TRICARE available for the Guard Reserve are also a part of the Defense authorization bill. I therefore urge the majority leader to bring the Defense authorization bill back to the floor so that the Senate can fulfill its obligation to our troops and to the American people.

I am also frustrated that the administration continues to rely on emergency supplemental funding for ongoing operations in Iraq and Afghanistan and continues to delay even those funding requests. The administration did not even request the \$50 billion "bridge fund" included in this bill by the Appropriations Committee even though the Pentagon will soon run out of money for the war effort. This week, Senator BYRD eloquently explained, once again, why the administration should include the costs of the wars in Iraq and Afghanistan in the regular budget. Congress cannot budget responsibly or perform its oversight duties adequately if we continue to rely on supplemental spending bills, which essentially put the costs of war on our national tab. The Senate has insisted on three separate occasions that the administration include war costs in its budget submissions and the administration has ignored the Senate three times. I was proud to cosponsor Senator BYRD's amendment demanding accountability for the fourth time and was gratified that the Senate adopted it.

I am proud that the Senate sent such a strong message to the administration about the treatment of detainees. The lack of a clear policy regarding the treatment of detainees has been confusing and counterproductive. It has left our men and women in uniform in the lurch with no clear direction about what is and is not permissible. This failure on the part of the administration has sullied our reputation as a nation, and hurt our efforts to promote democracy and human rights in the Arab and Muslim world. I was proud to vote for Senator McCain's amendment on interrogation policy because it should help to bring back some accountability to the process and restore our great Nation's reputation as the world's leading advocate for human rights.

I am also pleased that the bill coins a modified version of Senator GRAHAM's amendment, requiring that the administration report to Congress about the procedures used by the tribunals at Guantanamo Bay to determine whether individuals held there are enemy combatants. The modified amendment also makes a very important clarification, ensuring that the tribunals may not consider statements obtained with undue coercion.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became abundantly clear after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not made enough progress in addressing 4 years after the 9/11 tragedy.

CLRC is designed to address the Government's critical language shortfall by creating a pool of people with advanced language skills that the Federal Government could call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and "an important step in addressing both short- and long-term shortfalls related to language assets in the national security community." It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot project. I want to thank the managers of the bill for working with me to include this important measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the chairman of the Defense Appropriations Subcommittee for continuing to work with me in assisting the families of injured service members. I was pleased that Congress included my amendment on travel benefits for the family of injured service members in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109-13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured service members that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as "seriously injured," even though these men and women have been evacuated out of the combat zone to the United States for treatment. The change in the law now ensures that families of injured service members evacuated to a U.S. hospital get at least one trip paid for so the families can quickly reunite and begin recovering from the trauma they have experienced.

The family travel provision in P.L. 109-13 was sunset at the end of the 2005 fiscal year. H.J. Res. 68 continues to make this travel provision available until November 18 of this year. I was concerned that Congress may not pass the necessary legislation to make this travel benefit permanent before November 18. However, the distinguished Chairman assured me that he would continue working to extend this benefit in fiscal year 2006 until it becomes permanent through the Defense authorization process.

There are provisions in this bill with which I disagree, and the Senate rejected a number of amendments that

would have made this bill better. We continue to waste billions on Cold-War-era weapons systems designed to counter the Soviet Union while not fully funding the needs of the military personnel fighting our current wars. However, on balance, this legislation contains many good provisions for our men and women in uniform and their families, and that is why I support it.

Mr. FRIST. I ask for the yeas and nays on the Defense Appropriations Committee bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from New Hampshire (Mr. GREGG).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—97

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Hagel	Roberts
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carpenter	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Levin	Thomas
Craig	Lieberman	Thune
Crapo	Lincoln	Vitter
Dayton	Lott	Voinovich
DeMint	Lugar	Warner
DeWine	Martinez	Wyden
Dodd	McCain	

NOT VOTING—3

Bunning	Gregg	Leahy
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The bill (H.R. 2863), as amended, was passed as follows:

H.R. 2863

Resolved, That the bill from the House of Representatives (H.R. 2863) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,099,587,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$22,671,875,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$8,894,984,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$22,908,750,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent

duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,052,269,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,617,299,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$491,601,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,263,046,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,555,794,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,125,632,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the

Army, as authorized by law; and not to exceed \$11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$24,573,795,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$30,317,964,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$3,780,926,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$30,891,386,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$18,517,218,000: Provided, That not more than \$25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed \$32,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading not less than \$27,009,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That \$4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities

and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,956,482,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,239,295,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$197,734,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,474,286,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,428,119,000: Provided, That \$10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other federal agency, and state and local first responder personnel at the Joint Interagency Training Center-East.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$4,681,291,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$11,236,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$407,865,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$305,275,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$406,461,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$28,167,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes

provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$271,921,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), \$61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$415,549,000, to remain available until September 30, 2008: Provided, That of the amounts provided under this heading, \$15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,562,480,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title;

and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,214,919,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,359,465,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,708,680,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 14 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,426,531,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$9,880,492,000, to remain available for obligation until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, tor-

pedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,593,341,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$832,791,000, to remain available for obligation until September 30, 2008.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP),
\$651,613,000;
NSSN, \$1,637,698,000;
NSSN (AP), \$763,786,000;
SSGN, \$286,516,000;
CVN Refuelings, \$1,493,563,000;
CVN Refuelings (AP), \$20,000,000;
SSBN Submarine Refuelings, \$230,193,000;
SSBN Submarine Refuelings (AP), \$62,248,000;
DD(X) (AP), \$765,992,000;
DDG-51 Destroyer, \$29,773,000;
LHD-8, \$197,769,000;
LPD-17, \$1,344,741,000;
LHA-R, \$150,447,000;
LCAC Landing Craft Air Cushion,
\$110,583,000;
Prior year shipbuilding costs, \$517,523,000;
Service Craft, \$46,055,000; and

For outfitting, post delivery, conversions, and first destination transportation, \$369,387,000; in all: \$8,677,887,000, to remain available for obligation until September 30, 2010: Provided, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not

otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 9 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,293,157,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,361,605,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$12,729,492,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,068,974,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes, \$996,111,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$14,048,439,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,572,250,000, to remain available for obligation until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$422,000,000, to remain available for obligation until September 30, 2008: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$68,573,000, to remain available until expended.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,520,592,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,557,904,000, to remain available for obligation

until September 30, 2007: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$21,859,010,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,301,618,000, to remain available for obligation until September 30, 2007.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$168,458,000, to remain available for obligation until September 30, 2007.

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,154,940,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$579,954,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law,

\$20,237,962,000, of which \$19,345,087,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to \$10,157,427,000 may be available for contracts entered into under the TRICARE program; of which \$377,319,000, to remain available for obligation until September 30, 2008, shall be for Procurement; and of which \$515,556,000, to remain available for obligation until September 30, 2007, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,430,727,000, of which \$1,241,514,000 shall be for Operation and maintenance; \$116,527,000 shall be for Procurement to remain available until September 30, 2008; \$72,686,000 shall be for Research, development, test and evaluation, of which \$57,926,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2007; and no less than \$119,300,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$36,800,000 shall be for activities on military installations and \$82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$926,821,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$209,687,000, of which \$208,687,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$244,600,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$413,344,000, of which \$27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, \$17,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities.

TITLE VIII—GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple

reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH-60/MH-60 Helicopters; and
C-17 Globemaster.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2006.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most

efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor

and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Of the funds appropriated or otherwise made available in this Act, a reduction of \$591,100,000 is hereby taken from title III, Procurement, from the "Other Procurement, Army" account: Provided, That within 30 days of enactment of this Act, the Secretary of the Army shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within this account.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined

under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85-536, as amended, shall have the same status as other program participants under section 602 of Public Law 100-656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

SEC. 8026. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8027. (a) Of the funds made available in this Act, not less than \$31,109,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$24,288,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$6,000,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$821,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the

Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8028. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,500 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$51,600,000.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8030. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of

Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8031. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8033. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8034. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8035. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, and hereafter, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working

Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8048. Up to \$3,000,000 of the funds appropriated in Title II of this Act under the heading, "Operation and Maintenance, Army", may be made available to contract with the Army Historical Foundation, a non profit organization, for services required to solicit non-Federal donations to support construction and operation of the National Museum of the United States Army at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the National Museum of the United States Army to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2005/2007", \$68,500,000;
 "Aircraft Procurement, Navy, 2005/2007", \$104,800,000;
 "Shipbuilding and Conversion, Navy, 2005/2009", \$67,300,000;
 "Other Procurement, Navy, 2005/2007", \$43,000,000;
 "Aircraft Procurement, Air Force, 2004/2006", \$4,000,000;
 "Aircraft Procurement, Air Force, 2005/2007", \$20,000,000;
 "Missile Procurement, Air Force, 2005/2007", \$29,000,000;
 "Research, Development, Test and Evaluation, Army, 2005/2006", \$25,900,000;
 "Research, Development, Test and Evaluation, Navy, 2005/2006", \$70,900,000; and
 "Research, Development, Test and Evaluation, Air Force, 2005/2006", \$63,400,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year and hereafter, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program (NIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. Up to \$2,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available to contract for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility and infrastructure critical to base operations and the public health and safety of community residents in the vicinity of the NCTAMS.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available under the heading "Operation and Maintenance, Defense-Wide" for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball

and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8063. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8064. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8065. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by \$92,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8066. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8067. None of the funds provided in this Act may be obligated to realign or relocate forces or operational assets from bases to be converted to enclave status until the Secretary of Defense certifies that he has sought new missions for these bases as mandated by the 2005 Defense Base Closure and Realignment Commission: Provided, That the Secretary of Defense shall report his findings to the congressional defense committees not later than October 1, 2006.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8069. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8070. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of Title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8071. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8072. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8073. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8074. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8075. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of

defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8076. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8077. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8078. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made

in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8079. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8080. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8081. The Secretary of Defense shall provide a classified quarterly report, beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8082. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8083. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than \$1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

- (A) Business process reengineering.
- (B) An analysis of alternatives.
- (C) An economic analysis that includes a calculation of the return on investment.
- (D) Performance measures.
- (E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8084. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8086. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal

non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8087. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8088. Up to \$2,500,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8089. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", \$147,900,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8091. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8092. Amounts appropriated in title II of this Act are hereby reduced by \$265,890,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

- (1) From "Operation and Maintenance, Army", \$36,890,000.
- (2) From "Operation and Maintenance, Navy", \$79,000,000.
- (3) From "Operation and Maintenance, Air Force", \$150,000,000.

SEC. 8093. The total amount appropriated or otherwise made available in this Act is hereby reduced by \$100,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

- "Operation and Maintenance, Army", \$37,000,000;
- "Operation and Maintenance, Air Force", \$6,000,000;
- "Operation and Maintenance, Defense-Wide", \$45,000,000; and
- "Operation and Maintenance, Army Reserve", \$12,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$143,600,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, \$70,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and \$10,000,000 shall be available for the purpose of the initiation of a joint feasibility study and risk reduction activities designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$517,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2006":

New SSN, \$28,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2006":

LPD-17 Amphibious Transport Dock Ship Program, \$95,000,000;

New SSN, \$72,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/2006":

LPD-17 Amphibious Transport Dock Ship Program, \$94,800,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/2006":

Carrier Replacement Program, \$145,023,000;

New SSN, \$82,700,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command

and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8098. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8099. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8100. In addition to funds made available elsewhere in this Act, \$5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to \$2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8101. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8102. The amounts appropriated in title II of this Act are hereby reduced by \$350,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", \$100,000,000.

(2) From "Operation and Maintenance, Navy", \$150,000,000.

(3) From "Operation and Maintenance, Air Force", \$100,000,000.

SEC. 8103. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall

make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8104. Of the funds made available in this Act, not less than \$76,100,000 shall be available to maintain an attrition reserve force of 18 B-52 aircraft, of which \$3,900,000 shall be available from "Military Personnel, Air Force", \$44,300,000 shall be available from "Operation and Maintenance, Air Force", and \$27,900,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2006: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2007 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8105. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed \$32,000,000.

SEC. 8106. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$12,850,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: \$850,000 to the Fort Des Moines Memorial Park and Education Center; \$2,000,000 to the American Civil War Center at Historic Tredegar; \$3,000,000 to the Museum of Flight, American Heroes Collection; \$1,000,000 to the National Guard Youth Foundation; \$3,000,000 to the United Services Organization; \$2,000,000 to the Dwight D. Eisenhower Memorial Commission; and \$1,000,000 to the Iraq Cultural Heritage Assistance Project.

(TRANSFER OF FUNDS)

SEC. 8107. The Secretary of Defense may transfer funds from any currently available Department of the Navy appropriation to any available Navy shipbuilding and conversion appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8108. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve

components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8109. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", \$20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8110. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8111. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8112. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

(TRANSFER OF FUNDS)

SEC. 8113. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 2003/2007":

For outfitting, post delivery, conversions, and first destination transportation, \$3,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2004/2008":

For outfitting, post delivery, conversions, and first destination transportation, \$6,100,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 2003/2007":

SSGN, \$3,300,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2004/2008":

SSGN, \$6,100,000.

SEC. 8114. None of the funds in this Act may be obligated for a classified program as described on page 18 of the compartmented annex

to Volume IV of the Fiscal Year 2006 National Intelligence Program justification book unless specifically authorized in the Intelligence Authorization Act for Fiscal Year 2006.

SEC. 8115. (a) The Director of the Office of Management and Budget shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, conduct a study on improving the response of the Federal Government to disasters.

(b) The study under subsection (a) shall—
(1) consider mechanisms for coordinating and expediting disaster response efforts;

(2) examine the role of the Department of Defense in participating in disaster response efforts, including by providing planning, logistics, and relief and reconstruction assistance;

(3) consider the establishment of criteria for automatically triggering the participation of the Department of Defense in disaster response efforts; and

(4) assess the role of the United States Geological Survey in enhancing disaster preparation measures.

(c) Not later than May 1, 2006, the Director of the Office of Management and Budget shall submit to Congress a report on the study conducted under subsection (a), including—

(1) recommendations for improving the response of the Federal Government to disasters, including by providing for greater participation by the Department of Defense in response efforts; and

(2) proposals for any legislation or regulations that the Director determines necessary to implement such recommendations.

SEC. 8116. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention \$3,913,000,000 for activities relating to the avian flu epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) \$3,080,000,000 shall be for the stockpiling of antivirals and necessary medical supplies;

(2) \$33,000,000 shall be for global surveillance relating to avian flu;

(3) \$125,000,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) \$600,000,000 shall be for additional grants to state and local public health agencies for emergency preparedness, to increase funding for emergency preparedness centers, and to expand hospital surge capacity;

(5) \$75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(c) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(d) This section shall take effect on the date of enactment of this Act.

SEC. 8117. Nonreduction in pay while Federal employee is performing active service in the uniformed services or National Guard. (a) **SHORT TITLE.**—This section may be cited as the “Reservists Pay Security Act of 2005”.

(b) **IN GENERAL.**—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) **CLERICAL AMENDMENT.**—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 8118. Notwithstanding Section 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108-447, through November 18, 2005.

SEC. 8119. **APPLICATIONS FOR IMPACT AID PAYMENT.**—Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than \$1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency’s failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SEC. 8120. Of the amount appropriated by title III under the heading “OTHER PROCUREMENT, NAVY”, up to \$3,000,000 may be made available for the Joint Aviation Technical Data Integration Program.

SEC. 8121. (a) **RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES.**—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479(1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”.

(b) **CLERICAL AMENDMENTS.**—

(1) Such subchapter is further amended by striking “**Death gratuity:**” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “**Fallen hero compensation:**”.

(2) The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) **GENERAL REFERENCES.**—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 8122. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE”, up to \$3,000,000 may be used for research and development on the reliability of field programmable gate arrays for space applications.

SEC. 8123. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be used for Chemical Biological Defense Material Test and Evaluation Initiative.

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be made available for an environmental management and compliance information system.

SEC. 8125. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$2,000,000 may be made available for medical advanced technology for applied emergency hypothermia for advanced combat casualty life support.

SEC. 8126. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108-87), the Department of Defense Appropriations Act, 2005 (Public Law 108-287), and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) In section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (119 Stat. 252), the Senate requested that the President submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year.

(5) The President has yet to submit such an amendment.

(6) The Department of Defense Appropriations Act, 2006, as reported to the Senate by the Committee on Appropriations of the Senate on September 28, 2005, contains a bridge fund of \$50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(7) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 cost of ongoing military operations in Iraq and Afghanistan could total \$85,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the amendment to the budget of the President for fiscal year 2006, requested by the Senate to be submitted to Congress not later than September 1, 2005, by section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, is necessary to describe the anticipated use of the \$50,000,000,000 bridge fund appropriated in this Act and set forth all additional appropriations that will be required for the fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

SEC. 8127. (a) REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the "Protective Equipment Reimbursement Fund" (in this subsection referred to as the "Fund").

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (f).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equip-

ment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) \$1,100.

(e) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(g) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1857) is repealed.

SEC. 8128. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.—(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR MISCONDUCT.—The Secretary of Defense shall maintain a publicly-available website that provides information on instances of improper conduct by contractors entering into or carrying out Federal contracts, including instances in which contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct.

(b) REPORTS ON FEDERAL NO-BID CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORTS REQUIRED.—Not later than 7 days after entering into a no-bid contract to procure property or services in connection with Iraq reconstruction, the head of an executive agency shall submit to the Secretary of Defense a report on the contract.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following information:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amounts awarded and obligated under the contract.

(E) The scope of work under the contract.

(3) PUBLICATION.—The Secretary of Defense shall maintain a publicly-available website that lists the information provided in reports submitted under paragraph (1).

(4) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 8129. (a) PROHIBITION ON TRANSFER OF AUTHORITY ON TACTICAL UNMANNED AERIAL VEHICLES.—None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) EXTENDED RANGE MULTI-PURPOSE UNMANNED AERIAL VEHICLES.—The Army shall retain responsibility for and operational control of

the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8130. Of the amount appropriated in title III under the heading "OTHER PROCUREMENT, NAVY", up to \$2,000,000 may be made available for the Surface Sonar Dome Window Program.

SEC. 8131. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$700,000 may be used for Medical Countermeasures to Nerve Agents.

SEC. 8132. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be used for High Performance Defense Manufacturing Technology Research and Development.

SEC. 8133. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$600,000 may be made available for removal of unexploded ordnance at Camp Wheeler, Georgia.

SEC. 8134. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$4,000,000 may be used for the development of light-weight rigid-rod polyphenylene ammunition.

SEC. 8135. Of the amounts appropriated by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", up to \$2,000,000 may be used for the Pat Roberts Intelligence Scholars Program.

SEC. 8136. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

SEC. 8137. Of the amount appropriated by this title under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$3,000,000 may be available for land attack technology for the Millennium Gun System.

SEC. 8138. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,000,000 may be used for Moldable Armor.

SEC. 8139. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.—(a) IN GENERAL.—The Secretary of Defense, acting through the Chairman of the National Security Education Board, shall, during the 3-year period beginning on the date of enactment of this Act, carry out a pilot program to establish a civilian linguist reserve corps, comprised of United States citizens with advanced levels of proficiency in foreign languages, who would be available, upon request from the President, to perform translation and other services or duties with respect foreign languages for the Federal Government.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2393), shall—

(1) identify several foreign languages in which proficiency by United States citizens is critical for the national security interests of the United States and the relative importance of such proficiency in each such language;

(2) identify United States citizens with advanced levels of proficiency in each foreign language identified under paragraph (1) who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for securing the performance of the services and duties referred to in subsection (a) by the citizens identified under paragraph (2); and

(4) invite individuals identified under paragraph (2) to participate in the civilian linguist reserve corps.

(c) CONTRACT AUTHORITY.—In establishing the civilian linguist reserve corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot program established under this section, the Secretary shall conduct a study of the best practices to be utilized in establishing the civilian linguist reserve corps, including practices regarding—

- (1) administrative structure;
- (2) languages that will be available;
- (3) the number of language specialists needed for each language;
- (4) the Federal agencies that may need language services;
- (5) compensation and other operating costs;
- (6) certification standards and procedures;
- (7) security clearances;
- (8) skill maintenance and training; and
- (9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the next 2 years, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a civilian linguist reserve corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of a civilian linguist reserve corps.

(f) FUNDING.—Of the amount appropriated under the heading "Operation and Maintenance, Defense-Wide" in title II, up to \$1,500,000 may be available to carry out the pilot program under this section.

SEC. 8140. (a) FUNDING FOR PARTICIPATION OF VET CENTERS IN TRANSITION ASSISTANCE PROGRAMS.—Of the amounts appropriated or otherwise made available by this Act, up to \$5,000,000 may be used for the participation of Vet centers in the transition assistance programs of the Department of Defense for members of the Armed Forces.

(b) VET CENTERS DEFINED.—In this section, the term "Vet centers" means centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code.

SEC. 8141. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to \$2,500,000 may be available for advanced technology for IRCM component improvement.

SEC. 8142. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for demonstration and validation, up to \$5,000,000 may be available for the Plasma Energy Pyrolysis System (PEPS), Operational Gasification unit.

SEC. 8143. Of the amount appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the rapid mobilization of the New England Manufacturing Supply Chain Initiative to meet Department of Defense supply shortages and surge demands for parts and equipment.

SEC. 8144. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$1,000,000 may be made available for Marine Corps assault vehicles for development of carbon fabric-based friction materials to optimize the cross-drive transmission brake system of the Expeditionary Fighting Vehicle.

SEC. 8145. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY, up to \$2,000,000 may be used for Program Element #0603235N for the Shipboard Automated Reconstruction Capability.

SEC. 8146. (a) BLAST INJURY PREVENTION, MITIGATION, AND TREATMENT INITIATIVE OF THE ARMY.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be available for Program Element #63002A for far forward use of recombinant activated factor VII.

SEC. 8147. Beginning with the fiscal year 2006 program year, the Secretary of the Air Force is strongly encouraged to exercise the option on the existing multiyear procurement contract for C-17 aircraft in order to enter into a multiyear contract for the procurement of 42 additional C-17 aircraft.

SEC. 8148. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.—(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) **LONG-TERM PLAN ON MENTAL HEALTH SERVICES.**—

(1) **IN GENERAL.**—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of Armed Forces by the Department of Defense.

(2) **UTILIZATION OF OTHER EFFORTS.**—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) **ELEMENTS.**—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) **ADMINISTRATIVE MATTERS.**—

(1) **COMPENSATION.**—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) **OVERSIGHT.**—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) **ADMINISTRATIVE SUPPORT.**—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) **ACCESS TO FACILITIES.**—The Under Secretary of Defense for Personnel and Readiness

shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) **REPORT.**—

(1) **IN GENERAL.**—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other matters relating to the activities of the task force that the task force considers appropriate.

(2) **TRANSMITTAL TO CONGRESS.**—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) **TERMINATION.**—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

SEC. 8149. (a) ARMY PROGRAMS.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to an additional \$10,000,000 may be used for Program Element 0601103A for University Research Initiatives.

(b) **NAVY PROGRAMS.**—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to an additional \$5,000,000 may be used for Program Element 0601103N for University Research Initiatives.

(c) **AIR FORCE PROGRAMS.**—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to an additional \$10,000,000 may be used for Program Element 0601103F for University Research Initiatives.

(d) **DEFENSE-WIDE ACTIVITIES.**—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE"—

(A) up to an additional \$10,000,000 may be used for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) up to an additional \$5,000,000 may be used for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Cybersecurity.

(e) **SENSE OF SENATE.**—It is the sense of the Senate that it should be a goal of the Department of Defense to allocate to basic research programs each fiscal year an amount equal to 15 percent of the funds available to the Department of Defense for science and technology in such fiscal year.

SEC. 8150. REPORT ON REVIEW AND IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON TRANSITION ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.—(a) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the review of, and actions taken to implement, the recommendations of the Comptroller General of the United States in the report of the Comptroller General entitled "Military and Veterans Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard" (GAO 05-544).

(b) **PARTICULAR INFORMATION.**—If the Secretary has determined in the course of the review described in subsection (a) not to implement any recommendation of the Comptroller General described in that subsection, the report under that subsection shall include a justification of such determination.

SEC. 8151. Any limitation, directive, or earmarking contained in either the House of Rep-

resentatives or Senate report accompanying H.R. 2863 shall also be included in the conference report or joint statement accompanying H.R. 2863 in order to be considered as having been approved by both Houses of Congress.

SEC. 8152. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

(b) The report required under subsection (a) shall include—

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States; and

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities.

SEC. 8153. (a) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" up to \$1,500,000 may be available for research within the High-Brightness Electron Source program.

SEC. 8154. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.—(a) **IN GENERAL.**—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) **APPLICABILITY.**—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) **CONSTRUCTION.**—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 8155. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.—(a) **IN GENERAL.**—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) **CONSTRUCTION.**—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) **LIMITATION ON SUPERSEDITION.**—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) **CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.**—In this section, the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 8156. None of the funds appropriated or otherwise made available in this Act may be obligated or expended during fiscal year 2006 for paying salaries and expenses or other costs associated with reimbursing or otherwise financially

compensating the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan.

SEC. 8157. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.—(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as “world class” maintenance repair and overhaul operations;

(3) 1 of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate \$150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation’s 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of “Lean” and “Six Sigma” production techniques, have achieved great success in dramatically reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest \$150,000,000 a year over 6 years, since fiscal year 2004, in the Nation’s 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of \$150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

SEC. 8158. Of the amount appropriated by title III under the heading “PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY”, up to \$5,000,000 may be used for the Arsenal Support Program Initiative for Watervliet Arsenal, New York.

SEC. 8159. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”, up to \$4,000,000 may be used for Oral Anthrax/Plague Vaccine Development.

SEC. 8160. (a) The Secretary of the Navy may, subject to the terms and conditions of the Secretary, donate the World War II-era marine railway located at the United States Naval Academy, Annapolis, Maryland, to the Richardson Maritime Heritage Center, Cambridge, Maryland.

(b) The marine railway donated under subsection (a) may not be used for commercial purposes.

SEC. 8161. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary’s jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8162. (a) IMPLEMENTATION OF LONG-RANGE WIRELESS CAPABILITIES.—Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, AIR FORCE”, up to \$10,000,000 may be used by the United States Northern Command for the purposes of implementing Long-Range Wireless telecommuni-

cations capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

(b) IMPLEMENTATION OF LONG-RANGE WIRELESS CAPABILITIES.—Of the amount appropriated or otherwise made available by title III under the heading “OTHER PROCUREMENT, AIR FORCE”, up to \$20,000,000 may be used by the United States Northern Command for the purposes of implementing IMT-2000 3G Standards Based Communications Information Extension capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

SEC. 8163. (a) SUBMISSION OF PROCEDURES FOR COMBATANT STATUS REVIEW TRIBUNALS AND ADMINISTRATIVE REVIEW BOARDS TO DETERMINE STATUS OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of enactment of this Act the President shall submit to the Congressional Defense Committees and committees on Judiciary in the House and Senate the procedures for the Combatant Status Review Tribunals and a noticed administrative review boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall ensure that—

(A) In making a determination of status under such procedures, the Combatant Status Review Tribunal and annual review boards may not consider statements derived from persons that, as determined by the Tribunals or boards, by the preponderance of the evidence, were obtained with undue coercion.

(B) The Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advice and consent of the Senate.

(C) MODIFICATION OF PROCEDURES.—The President shall submit to Congress any modification to the procedures submitted under subsection (a) no less than 30 days before the date on which such modifications go into effect.

SEC. 8164. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated under the heading “AIRCRAFT PROCUREMENT, AIR FORCE” is hereby increased by \$130,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated under the heading “AIRCRAFT PROCUREMENT, AIR FORCE”, as increased by subsection (a), \$130,000,000 shall be available for purposes as follows:

(1) Procurement of Predator air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) Procurement of other upgrades to Predator Ground Control Stations, spares, and signals intelligence packages.

(c) OFFSET.—(1) The amount appropriated by title II for Operation and maintenance, Air Force is hereby reduced by \$130,000,000.

SEC. 8165. SENSE OF SENATE ON TRANSFER OF FUNDS FOR INCREASED PERSONNEL STRENGTHS FOR THE ARMY AND MARINE CORPS.—(a) FINDINGS.—The Senate makes the following findings:

(1) A long-term increase in the personnel end strengths for active duty personnel of the Army and the Marine Corps is necessary in order to carry out the current missions of the Army and the Marine Corps and to relieve current strains on Army and Marine Corps forces.

(2) The cost of the increase in such end strengths is foreseeable and should be included in the annual budget of the President for each fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code, in order to provide a full and honest accounting to the American people of the personnel costs of the Army and the Marine Corps.

(3) The inclusion in the annual budget of the President for each fiscal year of the costs of an increase in such end strengths will permit the Army and Marine Corps to plan for and accommodate the additional troops contemplated by such increased end strengths without reducing other important programs.

(b) SENSE OF SENATE.—It is the sense of the Senate that the additional amounts to be required for increases in the personnel end strengths for active duty personnel of the Army and the Marine Corps for fiscal year 2006 should be transferred from amounts appropriated by title IX for the Military Personnel, Army, Military Personnel, Marine Corps, Operation and Maintenance, Army, and Operation and Maintenance, Marine Corps, and Operation and Maintenance, Defense-Wide, accounts to the amounts appropriated for the applicable accounts in titles I and II.

SEC. 8166. Of the amount appropriated by title III under the heading “OTHER PROCUREMENT, AIR FORCE”, up to \$3,000,000 may be made available for the Laser Marksmanship Training System.

SEC. 8167. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$5,000,000 may be used for Medium Tactical Vehicle Modifications.

SEC. 8168. Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139; 107 Stat. 1440) is amended by striking “the report to the President from the Defense Base Closure and Realignment Commission, July 1991” and inserting “the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993”.

SEC. 8169. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$1,000,000 may be used for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles.

SEC. 8170. AVAILABILITY OF AMOUNT.—Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$60,000,000 may be made available as follows:

(A) Up to \$50,000,000 may be made available for childcare services for families of members of the Armed Forces.

(B) Up to \$10,000,000 may be made available for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) NATIONAL GUARD COUNTERDRUG SUPPORT ACTIVITIES.—

(1) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title VI under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES”, up to \$40,000,000 may be available for the purpose of National Guard counterdrug support activities.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available under title VI for that purpose.

SEC. 8171. Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$2,000,000 may be available for the establishment, in consultation with the Reach Out and Read National Center, of a pilot project on pediatric early literacy on military installations.

SEC. 8172. INCREASE IN RATE OF BASIC PAY OF THE ENLISTED MEMBER SERVING AS THE SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—(a) INCREASE.—Footnote 2 to the table on Enlisted Members in section 601(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 37 U.S.C. 1009 note) is amended by striking “or Master Chief Petty Officer of the Coast

Guard" and inserting "Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(b) PERSONAL MONEY ALLOWANCE.—

(1) ENTITLEMENT.—Section 414(c) of title 37, United States Code, is amended by striking "or the Master Chief Petty Officer of the Coast Guard" and inserting "the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on April 1, 2005.

SEC. 8173. SUPPORT FOR YOUTH ORGANIZATIONS.—(a) SHORT TITLE.—This Act may be cited as the "Support Our Scouts Act of 2005".

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "Federal agency" means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term "youth organization"—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a "tent city" capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

"(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

"(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

"(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

"(B) reports such a determination to the Congress in a timely manner, and before such support is not provided."

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting "or (e)" after "subsection (a)"; and

(2) by adding at the end the following:

"(e) EQUAL ACCESS.—

"(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

"(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum."

SEC. 8174. (a) There are appropriated out of the Employment Security Administration account of the Unemployment Trust Fund, \$14,000,000 for authorized administrative expenses.

(b) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services \$5,000,000 for oversight activities related to Hurricane Katrina.

(c) The amounts appropriated under subsection (a) and (b)—

(1) are designated as an emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

TITLE IX—ADDITIONAL WAR-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$5,009,420,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$180,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$455,420,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$372,480,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$121,500,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$10,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$232,300,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$5,300,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$21,915,547,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$1,806,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,275,800,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$2,014,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$980,000,000, of which up to \$195,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$53,700,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$9,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$27,950,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$7,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$201,300,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$13,400,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", \$4,100,000,000, to remain available for transfer until September 30, 2006, only to support operations in Iraq or Afghanistan and classified activities: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That of the amounts provided under this heading, \$2,850,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That \$750,000,000 shall be available for the Joint IED Defeat Task Force: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$348,100,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$80,000,000, to remain available until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$910,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$335,780,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$3,916,000,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$151,537,000, to remain available until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$56,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$48,485,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$116,048,000, to remain available until September 30, 2008.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$2,303,700,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$118,058,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$17,000,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$17,500,000, to remain available until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$132,075,000, to remain available until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "NATIONAL GUARD AND RESERVE EQUIPMENT", \$1,300,000,000, to remain available until expended: Provided, That the amount available under this heading shall be available for homeland security and homeland security response equipment; Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (109th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$72,000,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$17,800,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$2,500,000, to remain available until September 30, 2007.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$2,716,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-drug Activities, Defense", \$27,620,000.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed \$500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed \$500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were

made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9008. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9009. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2006, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

SEC. 9011. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9012. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government cost.

SEC. 9013. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This Act may be cited as the "Department of Defense Appropriations Act, 2006".

Mr. STEVENS. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If I may have a moment, I thank our staff for their dedication and hard work putting this bill together. I point out to the Senate the

people I am going to name are our staff. They work with both Senator INOUE and me. We work as a seamless team in the subcommittee: Sid Ashworth, Charlie Houy, Lesley Kalan, Brian Wilson, Brian Potts, Kate Kaufer, Mark Hoaland, Alycia Farrell, Katy Hagan, Betsy Schmid, Nicole DiResta, Mazie Mattson, Janelle Treon, Kate Fitzgerald, Jennifer Chartrand.

Let me recognize a very dedicated, wonderful staff person of our subcommittee, Mazie Mattson, who is now going to retire after 25 years of working for Congress. This is Mazie's final Defense bill. We are extremely grateful to her for her sincere loyalty and tireless efforts and very gracious support she provided to each and every one of us on both sides of the aisle on our subcommittee. She will be greatly missed. We wish her family and her husband, Bill, all the best. We thank you very much, Mazie. Thank you very much.

The PRESIDING OFFICER (Mr. ISAKSON). The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection it is so ordered.

The PRESIDING OFFICER appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI conferees on the part of the Senate.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2360, the Homeland Security appropriations bill. I further ask consent that there be 30 minutes of debate equally divided, and following the use or yielding back of time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to

the consideration of the conference report.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 20, 2005.)

Mr. FRIST. Mr. President, for the information of colleagues, we expect this vote to be a voice vote. There will be no more rollcall votes today.

I yield the floor.

Mr. GREGG. Mr. President, in the Senate this year, we have considered this homeland security bill during two very different times of crisis. When the bill was on the floor of the Senate in July, the reprehensible train bombings in London had just occurred and there was a desire to increase funding for rail security. Now, we consider this conference report during the immediate aftershock of two damaging hurricanes in the gulf coast, which demolished entire cities and towns. And there has been a call and an urgency to provide Federal financial help. We have met that call through significant—very significant—supplemental emergency funds. While these funds need to be monitored to make sure they are spent wisely and prudently, it is appropriate to help get the people in these areas back on their feet. And it is important to remember that this is an emergency, and emergency needs are being addressed through tens of billions of dollars that have been approved.

The conference report we are considering today addresses the Department of Homeland Security as a whole. It is an amalgamation of 22 Federal agencies and it encompasses the broad spectrum of homeland security needs. But first and foremost, the Department must be focused on the national security of our country.

The conference report before us builds on that. It is threat-based and provides total appropriations of \$31.9 billion for the Department of Homeland Security, directly focusing on two of the most vulnerable areas of our homeland security: weapons of mass destruction and border security.

As a country, we pride ourselves on being an open and democratic society that affords tremendous freedoms to its citizens. Unfortunately, there are terrorists who wish to prey on that trust and openness and to harm and kill massive numbers of innocent civilians to attack our way of life. There is absolutely no question that if a terrorist gets control of a weapon of mass destruction, be it biological, nuclear, or radiological, it will be used against us and against the fundamentals of Western civilization. This conference report provides over \$2.4 billion for WMD and terrorism prevention and preparedness, including funds to assist State and local jurisdictions.

Similarly, because we seek to participate in an open and vibrant world, our borders are incredibly porous and access into this country is easy. Regrettably, that openness is now a

threat to us. We do not have a handle on who and what crosses into our country everyday. This conference report provides \$9 billion, which funds 1,000 new border patrol agents, 250 new investigators, 460 new detention personnel, and the necessary infrastructure and training capacity to support a vast improvement in our border security.

I want to particularly single out the coast guard for the outstanding job they have done in the gulf coast States. They exemplify a working agency—one that does its job without fanfare and complaint, and which produces tremendous results in the number of lives that were saved rescuing over 33,520 people—as many as they have over the past 8 years—stranded by Hurricane Katrina. Their superior work day in and day out is well recognized. This conference report provides a total of \$7.86 billion for the Coast Guard for fiscal year 2006.

As clearly as we saw the top performance of the Coast Guard during Katrina, the problems in FEMA continue to be highlighted. And this Committee intends to conduct an in depth analysis of the Department and this agency. At this time, putting more money in this bill, on top of the \$60 billion in emergency funds already provided and the funds that will soon be coming in the next supplemental, is not the solution.

I continue to also be concerned about the vast amount of unspent funds in the Department, particularly the \$6.2 billion in unspent funds for State and local grants. For that reason, this bill limits funding in those areas. As a part of the National Preparedness Goal, State and local jurisdictions are undertaking a review of their essential capabilities, to determine what has been accomplished with the funds provided so far. The results of this analysis will be used to inform future funding decisions.

Interoperable communications remains a significant priority. One of the hurdles facing communities attempting to achieve this goal is that not all of the technical standards, known as Project 25, are finished. Some standards continue under development.

Overall, this conference report represents a responsible and targeted approach to homeland security funding. Were we able to fully meet every need? No, given fiscal constraints, we focused our limited resources on eliminating the most serious and detrimental vulnerabilities of our homeland security. And we have made a significant accomplishment in beginning to address the major threats facing our national security as a whole. This conference report demonstrates our strong commitment to shoring up our national security, making the Department of Homeland Security a better agency with a more coordinated and cohesive approach, and ensuring we are focused on the emerging threats of today rather than on yesterday's problems.

The PRESIDING OFFICER. Who yields time on the conference report?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank Chairman JUDD GREGG, the House Chairman HAROLD ROGERS, Representatives MARTIN SABO, Representative DAVE OBEY, and all of the House and Senate conferees for their hard work on the Homeland Security appropriations conference report.

I also commend the thousands of men and women who are on the front lines of Homeland Security. God bless them. I thank them. While I remain very concerned that we are not giving these men and women the tools they need to do their job, that in no way detracts from their commitment to serve the Nation.

The conference agreement that is before the Senate sends a strong signal to the Department that it needs to move in a new direction. The Department needs to be nimble and responsive, not bureaucratic and slow. It needs to target limited resources on future threats, not simply the threats posed by the attacks of September 11.

The conference agreement includes numerous improvements to the President's budget, particularly with regard to border security, air cargo security, improved screening of airline passengers for explosives, funds to hire firefighters, as well as funding to protect the all-hazards Emergency Management Performance Grant Program.

The conference agreement builds on the bipartisan border security initiatives I offered along with the very able Senator, Mr. CRAIG, with Chairman GREGG's support to the 2005 emergency supplemental bill. Between the supplemental enacted in May and this bill, Congress will have increased the number of Border Patrol agents by 1,500; Congress will have increased the number of immigration investigators, agents, and detention officers by over 750; and Congress will have increased the number of detention beds by at least 1,800.

I commend all of the conferees and in particular the inimitable chairman, JUDD GREGG, for that action. The inimitable chairman. Do you hear that? The inimitable chairman, Judd Gregg. He is not here, but he will hear about it.

In addition, the agreement contains an important protection for the privacy rights of Americans. The agreement would prohibit the use of commercial databases in the implementation of Secure Flight, the Department's proposed new airline passenger profiling system. Such commercial databases are unreliable and potentially could be used to invade people's privacy.

The conference agreement provides \$30.8 billion for discretionary programs, an increase of just 4.6 percent. This is a very lean bill. The committee was put into a difficult position as a result of the administration's proposal to

have the Appropriations Committee increase the fees paid by airline passengers by \$1.68 billion. How about that?

The Appropriations Committee does not have jurisdiction—what is the matter with the White House?—the Appropriations Committee does not have jurisdiction over airline fees. The White House knows that. The Budget Office knows that. So as a result of what the White House did, the committee was forced to reduce spending on critical homeland security programs—your programs, your people's programs, your constituents' programs.

This ill-considered administration proposal—hear it—this ill-considered White House proposal resulted in real cuts—real cuts—in firefighter grants, first responder grants, Coast Guard operations, and in the number of airport screeners.

Now listen. Listen. It is regrettable that the administration's apparent lack of understanding of the legislative process—when will they learn?—their apparent lack of understanding of the legislative process will have such a direct impact on programs that are important elements of our homeland security strategy. How about that? Time and time again—time and time again—this administration has talked a good game on homeland security, but it has not followed through with a sustained commitment of resources and ideas. I fear that the administration believes that it fulfilled its commitment to securing the homeland by creating the Department of Homeland Security, which I voted against. And I am glad I voted against it. Well, America is not made safer by simply reorganizing boxes on an organizational chart.

Repeatedly, the energy, the initiative, the resources, and the leadership for homeland security have come from the Congress—the Congress. From border security to transit, rail, and port security, to air cargo security and explosives detection, the initiative—hear me—the initiative to fund these efforts came from—where?—the Congress, you, this body, the other body, the people's branch, the Congress. This conference agreement continues in that tradition, and I commend Chairman GREGG and former Chairman COCHRAN. I commend them for their excellent leadership.

However, following the terrorist attacks on 9/11, the Madrid and London train bombings, many other bombings such as those in Bali just a few days ago, and Hurricane Katrina, Congress should be approving a more robust homeland security bill. If there is one lesson we should all learn from Hurricane Katrina, it is that when you starve our Nation's infrastructure and allow our emergency response capacity to wither on the vine, there are consequences. There are consequences. There will be consequences.

In conference, I joined with Representatives OBEY and SABO in offering an amendment to provide \$1.7 billion of targeted investments for emergency

disaster planning, predisaster mitigation, grants to hire, equip, and train firefighters, and grants for transit, port, and chemical security. The amendment would also have helped the Coast Guard maintain the ships, the planes, the helicopters that they have used so effectively in evacuating over 33,000 people following Hurricane Katrina and Hurricane Rita.

The entire bill that is before us, the budget for the entire Department, is only \$30.8 billion. Now, I understand the need to live within limits, but sometimes those limits simply do not correspond to the reality that confronts us. Why not limit somewhere else? Why not limit somewhere else? How much are we giving to Iraq? How many questions do we ask, then, when we give there? We build infrastructure in Iraq. How about building it here in our country? Charity begins at home.

In the past month, we appropriated \$60 billion as an emergency for one agency that is funded by this bill, FEMA. One agency received a supplemental that is double the annual budget of the entire Department, and yet in this bill we fail to make the investments to help us avoid future \$60 billion supplemental bills.

We should be increasing predisaster mitigation efforts. What if something happens here in Washington? What if something hits Washington? There will be millions of people from Washington, Virginia, and Maryland heading—where?—heading westward, heading toward West Virginia, heading toward parts of Maryland, Pennsylvania, and Virginia. Then what? Yes, what about that? We have seen the problems created by Katrina. What if the terrorists were to hit here, and then we have this massive, massive flow of people Westward? That is what we are talking about when we talk about predisaster mitigation efforts.

My Governor, the Governor of West Virginia, the most handsome Governor in the country, Governor Joe Manchin, has proposed that there be more money—more money, that we need to prepare ahead of time, that we need to pre-position medical supplies, pre-position gasoline, pre-position other items that will be needed when and if that disaster hits here. That is what we should be increasing: predisaster mitigation efforts—not cutting them.

We should be doing the disaster planning now so that if there is a terrorist attack in a major city such as Washington, DC, that produces a mass evacuation, there will be pre-positioned food, water, fuel, and communications equipment to help the millions of affected citizens evacuate safely.

When less than 25 percent of eligible applications for firefighting grants were approved last year, should we be cutting firefighting funds by \$105 million? Why, that is sheer madness—madness. That is sheer madness. May I say to one of my favorite Senators of all time, the Senator from Vermont, JIM JEFFORDS—one of my favorite Senators—that is sheer madness.

When the Madrid and London train bombings proved that there is a real threat to our transit systems—hear me, New York City—when there is a real threat to our transit systems, should Congress be providing just \$150 million, when the estimated need is \$6 billion—\$6 billion.

When two Russian airplanes were simultaneously blown out of the sky by terrorists 1 year ago, should we be satisfied that only 18—only 18—out of the 448 commercial airports in the United States have received new checkpoint technologies to screen passengers for explosives?

Hear me. We better act in time.

I believe Chairman GREGG—the inimitable chairman, I say; he is a Republican, but he is a great chairman; I am proud of him—has put together a bill that makes significant improvements to the President's budget. I commend Chairman GREGG for those choices. However, as we move forward on a Katrina supplemental bill, I hope we will reconsider the investments contained in the amendment that was defeated—hear me—defeated in conference.

Sometimes I say, yes, sometimes you have to spend money to save money and to save lives. Let me say that again. Sometimes—sometimes, Senators; sometimes, Mr. President; sometimes, I say to the White House—you have to spend money to save money and to save lives. And you do have to spend it here in America, in this country, to save American lives.

I commend the staff—our wonderful staff, our great staff, our dedicated staff—for their contributions to this important legislation. In particular, I thank Chairman GREGG's staff: Rebecca Davies, James Hayes, Carol Cribbs, Kimberly Nelson, Shannon O'Keefe, and Avery Forbes.

And do you think I would forget my own staff? No. My own staff, I commend them: Charles Kieffer—man, he is it, he is the man, Charles Kieffer—Chip Walgren, Scott Nance, Drenan Dudley, and our Coast Guard detailee, Sean MacKenzie. What a staff.

Finally, on a personal note, I mark the recent passing of Robert M. Sempsey this past Saturday. Bob Sempsey worked for the Congressional Budget Office for nearly 25 years. He was the principal analyst for the Homeland Security and Labor-HHS-Education appropriations bills. He was a good friend. He was a fine teacher for many of our Senate staff. To his wife and three children, I extend my hand in your time of grief. Bob was a fine public servant. He will be sorely missed.

With regard to the Homeland Security conference report, I again compliment the inimitable Chairman JUDD GREGG.

I urge its adoption, and I yield the floor.

Mr. LIEBERMAN. Mr. President, it is with regret that I oppose this conference report.

I am a strong advocate of the need for the Department of Homeland Security and its work. And as the ranking

member of the Department's lead authorizing committee, I do not lightly oppose this appropriations bill for the Department's vital work. But I feel I have no choice but to protest what I consider to be dangerous and misguided cuts in the vital programs that help America's first responders.

Just weeks ago, we watched with horror as our fellow citizens in Louisiana and Mississippi suffered the ravages of Hurricane Katrina. It was inevitable that a hurricane of that size and intensity would cause hardship. But we know that the pain was far greater and the recovery far more daunting than it needed to have been if our Government had done all it could to prepare for and respond to the catastrophe. We know that preparedness planning was inadequate; that first responders lacked the equipment and communications they needed to respond; and that first responders and officials did not have the training and command structures they needed to work effectively together to help the many victims depending on them. And this for a catastrophic hurricane that had been predicted in advance. We can only speculate what preparedness and response to an unforeseen catastrophic terror attack might look like.

We know, in short, that we have very far to go before we are as ready as we must be for the threats ahead. So why are we now asked to approve dramatic cuts in the very programs that could help strengthen these essential capabilities?

This conference report would cut the three core first responder programs—the State Homeland Security Grant Program, SHSGP, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, LETPP—by 28 percent—nearly a third. The State homeland grants, which make up the backbone of most prevention and preparedness efforts, would be cut in half from fiscal year 2005 levels. And this comes on top of several years of cuts to these accounts. I know these cuts will leave unacceptable gaps in homeland security efforts in my own state of Connecticut, and I assume other States will also be unable to achieve their preparedness and response goals without more help from the Federal Government.

By contrast, the Senate voted in support of S. 21, a bill sponsored by Senator COLLINS and me, to authorize a significant increase in funding for these core first responder programs. The Homeland Security and Governmental Affairs Committee has also endorsed legislation to create a new dedicated grant program to help first responders obtain interoperable communications equipment. This vital need—so painfully apparent on 9/11 and again during Katrina and its aftermath—alone is estimated to cost billions of dollars. Currently, first responders must purchase interoperable communications systems with these general homeland security grants, making the pending cuts all the more distressing.

I recognize that appropriators struggled with constraints imposed by the administration's budget and had to make difficult choices between many important homeland security needs. I appreciate that conferees fought to include dedicated money for rail, transit and port security grants, as well as for the Coast Guard's Deepwater program. But I reject the premise that we must accept this as the best we can do for our first responders. It is not the best we can do. It must not be the best we can do. We know that the threats—natural or manmade—are real, and that we are not yet ready to meet them. Katrina has just underscored that lesson. Two years ago, a distinguished task force chaired by our former colleague Warren Rudman told us that our first responders were “drastically underfunded, dangerously unprepared” and that we would need close to \$100 billion over 5 years to meet critical preparedness and response needs. Yet in the time since, we have only whittled away at these critical programs rather than strengthening them. As I have said before, we have the best military in the world because we are willing to pay for it. We should not do less for our defenses here at home.

I wish to go on record opposing this conference report because I believe we must find a way to do more for our first responders and the communities they serve.

Ms. COLLINS. Mr. President, I rise today in opposition to the fiscal year 2006 Homeland Security appropriations bill. I oppose this conference report for three main reasons. First, the funding levels for first responder grants has been slashed to the lowest levels in the post-9/11 era despite the evident need for resources. Second, the bill adopts a formula for the distribution of first responder grants that is unpredictable, lacking in basic fiscal safeguards and will leave many parts of this country vulnerable. Third, this conference report underfunds mass transit security.

This conference report cuts the funding allocation for State and local first responder grants from \$1.1 billion enacted in fiscal year 2005 to only \$550 million for fiscal year 2006, an unacceptable and unwise reduction. Moreover, the level contained in the conference report is a full \$270 million less than the amount requested in the administration's budget request. Unfortunately, these reductions continue a downward trend. The overall amount of homeland security funding for first responders and state and local needs has declined by \$1.2 billion in just the past 2 years.

This is not the time to slash funding levels of these critical preparedness grants. These Draconian cuts are particularly remarkable given the recent failures in the response to Hurricane Katrina. That disaster clearly indicated that this Nation is not as prepared as it must be and that Federal, State, and local first responders and emergency managers are lacking crit-

ical equipment, especially communications gear and training resources. This is not the time to be cutting the resources available for these vital preparedness programs.

The second reason I voted against the conference report was because it adopts a formula to distribute these funds that is unbalanced, unpredictable and lacks accountability measures that are needed to ensure funds are spent wisely. Indeed, this conference report underscores the need for the bill Senator LIEBERMAN and I have developed, and the Senate overwhelmingly endorsed, to ensure a stable level of funding for all States. The approach taken in our bill would establish a formula that provides a predictable level of funding—scaled to reflect the different needs of states—that will allow all States to achieve essential preparedness and prevention capabilities.

We don't know where the next terrorist attack will take place. There is no way to predict where the next hurricane, tornado, or outbreak of pandemic influenza will occur. Therefore, we must raise the preparedness of all States to a minimum level of preparedness.

Unfortunately, the approach taken by the conference report does not provide an adequate base level to help States and localities establish minimum levels of preparedness. Nor does it recognize, as our bill does, that some States, because of larger or more dense populations, need more funding than others to establish essential preparedness capabilities.

Additionally, under the ad hoc approach taken in this conference report, States cannot count on a predictable stream of funding, which makes it impossible to implement the long-range plans the DHS requires of them. We need a fair formula, in statute, that does not jump from year to year as is currently the case.

Additionally, accountability measures—like independent audits, robust reporting requirements, and tying spending to standards—are simply not in place. We need to adopt authorizing legislation to ensure this funding is being properly spent.

It is disappointing that the appropriators largely adopted the House position on how to distribute this funding. This is particularly the case given that the bill Senator LIEBERMAN and I put together received the support of more than 70 Senators just this past July.

Finally, this conference report is flawed because it shortchanges vulnerable areas, in particular, transit security. The Committee on Homeland Security and Governmental Affairs recently held hearings on this important topic which revealed vulnerabilities in our transit systems. The attacks in Madrid and London demonstrate that terrorists are willing and able to attack transit systems; it is unconscionable that we are not doing more to secure our domestic transit systems.

Our Nation must make more progress in improving its ability to respond to

catastrophic disasters, whether natural or from a terrorist attack. Congress owes it to our constituents and to our first responders to be more thoughtful in how we provide the resources necessary to improve our ability to detect, and respond to threats facing our Nation.

Mr. REED. Mr. President, today the Senate passed the Department of Homeland Security appropriations bill conference report. The bill provides \$30.8 billion in discretionary spending for the Department of Homeland Security. While it is important that the Senate acted to pass this legislation, I am concerned about the funding levels provided for critical programs in this conference report. Specifically, the bill cuts funding for vital first-responders grants, and fails to improve our Nation's transit and aviation security.

I fear that we have failed to learn from the terrorist attacks in Madrid and London about the vulnerability of our transit system. Yesterday's terrorist threat against the New York City transit system further illustrates the need to increase our efforts in this area. Yet the conference report that we passed today includes only \$150 million for transit security grants. In June, Senators SHELBY and SARBANES and I sponsored an amendment to raise funding for transit security to more than \$1 billion. Unfortunately, the amendment failed. But it is this level of funding, not \$150 million, that is necessary to keep the Nation safe.

Every workday, 14 million Americans take a train or a bus. We know that transit systems and their riders are by their very nature prime terrorist targets. Subways, light rail, buses, and ferries are designed for easy access and to move large numbers of people efficiently.

These are the facts: Numerous attacks on transit; 6,000 transit systems in the U.S.; and 14 million riders every workday. I don't think anyone can say transit is not a target for terrorists and should not be among our highest homeland security priorities. Yet the Federal Government's response to these facts has been underwhelming. Indeed, the Federal Government has invested \$9 in aviation security improvements per passenger, but only \$0.006 in public transportation security per passenger. Now, are aviation and transit the same and can we achieve the same level of security in the open access environment of transit? No, but I doubt that the 14 million Americans who use transit every workday think that less than one cent is the appropriate amount to invest in transit security.

Second, I am concerned about the cuts that the bill provides to aviation screening. The bill would cut funding for the aviation security screener workforce by \$125 million from the budget request. This cut will result in 2,000 fewer airport screeners nationwide, including cuts in the number of screeners in Rhode Island. Rather than cutting the number of screeners, we

need to increase the nationwide number to 53,000 screeners in order to keep wait times at the current average of about 10 minutes. Yesterday, President Bush in an attempt to rally public support for the war in Iraq stated that the Government disrupted 10 serious terrorist plots since September 11, 2001. Three of these plots involved hijacking airplanes for suicide attacks. Yet, today, the Republican Congress cut the number of screeners serving our airports.

Finally, the bill cuts funding for first-responder grants for States and local governments by about 17 percent, \$680 billion less than last year, and failed to include a formula to help ensure all states would receive adequate funding and protection.

This conference report does not do enough to protect Americans from terrorism threats or natural disasters. This is a continuation of the administration's, and the leadership of this Congress, pattern of failure to learn from past lessons and invest in the essential infrastructure necessary to make our country safe. Is this the type of belt-tightening the administration is willing to accept in order to continue to pay for irresponsible tax cuts?

Mr. PRYOR. Mr. President. I rise today to express my displeasure with the Homeland Security appropriations conference report. More specifically, the conferees' neglect of formula based funding for State's first responders could produce dire results for small rural States such as Arkansas.

The conferees' decision to cut this funding, by more than half, will make it harder for smaller States to prevent, and more importantly, respond to emergency situations either manmade or natural. The events of the last 2 months alone go to show that first responders need to be prepared regardless of where they are located geographically.

The conferees' decision to cut first responder funding is even more frustrating seeing that the U.S. Senate a few months ago overwhelmingly passed a Homeland Security appropriations bill that went to great lengths to maintain a minimum base of first responder funding for all States. The formula which was created by Senators SUSAN COLLINS and JOSEPH LIEBERMAN was fair and would have provided stability to our Homeland Security appropriations process. I commend these Senators for their hard work and regret that their formula was ignored by conferees.

The conferees' actions will not only do great disservice to small States' first responders this year, but they have guaranteed that we will yet again spend precious time next year working out a funding formula to allocate Homeland Security grant money. There are many other issues that we must tackle but an inability to reach an understanding on this important issue will keep us stuck in the mud and that, Mr. President, is a disservice to all States.

The PRESIDING OFFICER. Does any other Member seek recognition?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield back time on our side.

The PRESIDING OFFICER. All time having been yielded, the question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF FOR THE GULF COAST

Mrs. CLINTON. Mr. President, there has been a lot of activity on the floor over the last 24 hours. It has been focused on how best to help the people along the gulf coast who have been devastated by twin natural disasters, Katrina and Rita. There has been an ongoing debate that took up the night here in trying to determine how best to provide the funding that the cities and parishes in Louisiana and in Mississippi and Alabama and Texas need in order to begin to deal with their pressing, urgent needs.

I rise because I well remember the feelings that I had on this floor in the aftermath of the attacks we suffered on September 11, 2001. It was an uncertain and tragic time in our country. We were attacked and we lost nearly 3,000 people. Eighteen acres were destroyed in the heart of the financial capital of the world. Hundreds of thousands of people lost their jobs. Businesses were shuttered, and there was great doubt as to how we were going to obtain the resources to begin the recovery process.

I am grateful that in New York's hour of need, we had strong support in this Chamber. I am looking at my dear friend, the senior Senator from West Virginia, who came to our aid immediately. In fact, he said he would be the third Senator from New York.

Mr. BYRD. Yes.

Mrs. CLINTON. I have never forgotten that. I am so grateful because he helped to shepherd through the Congress the money that New York needed immediately to meet its needs.

I am someone who believes that in a time of natural or manmade disaster, Americans rally around each other. We

take care of each other. We provided funds from all over the country to help New York rebuild, just as we did after the Northridge earthquake in California, just as we did after hurricanes in Florida, just as we did after forest fires in the West, just as we did after the great floods in the Middle West.

There has never been a disaster of the dimension of what we are facing along the gulf coast. I believe I have a small bit of understanding and empathy because of what we went through in New York for what my colleagues, Senator VITTER and Senator LANDRIEU, are facing. But what is becoming clear to me is that there is an effort underway to make the recovery along the gulf coast much more difficult than it needs to be.

I have been stunned at some of the demands that I hear coming from some of those in the Congress about what is expected from the people along the gulf coast and what kinds of funds can be made available to them. Like many people, I have been touched, moved, and impressed by the passion and eloquence of my friend and colleague, the senior Senator from Louisiana, Ms. LANDRIEU. She has valiantly fought for the people who placed their trust in her to come to this Capitol and represent them in good times and bad. We are in a bad time. The people in Louisiana and along the gulf coast need champions. But no matter how eloquent a single Senator is or two Senators might be from a single State, they need support on both sides of the aisle and on both ends of the Capitol.

We are about to be presented with legislation that for the life of me I cannot understand. This legislation in law discriminates against the gulf coast. It says, for the first time ever, we will put conditions on the Federal money that goes through FEMA to the people and businesses of the gulf coast.

Mr. BYRD. Shame. Shame.

Mrs. CLINTON. We will require that the money be repaid. As Senator LANDRIEU has said in this Chamber: It is a little bit of a catch-22, isn't it? You say to hard-pressed sheriffs offices in parishes, to municipal governments in towns and in New Orleans and along the gulf coast, you say to them: You must repay this money. So before you borrow it to keep your police and your fire departments up and going, before you borrow it to have your public utility departments begin to do the work they need to to get the reimbursement they require, you must have a plan in place to repay it.

Mr. BYRD. Shame.

Mrs. CLINTON. I am bewildered. I don't understand why we are turning the people of the gulf coast into second-class citizens.

After 9/11, in addition to the normal disaster relief funds provided in the wake of that tragedy, the Federal Government designated \$20 billion to assist the New York City area. This was the first time FEMA received authority of this type to reimburse the city and the

State for associated costs that could not otherwise have received money under the Stafford Act. This was an unusual action taken at an unusual time. We had the strong support of then-chairman of the Environment and Public Works Committee, Senator JEFFORDS, because 9/11 happened in that window when the Democrats were in the majority in the Senate. Chairman Jeffords stood with us to make sure we got what we needed without discriminating against New York City, without telling New Yorkers: You are just going to have to figure out how you are going to repay it, when you are not even sure there is another attack coming or what is going to be occurring in the future.

Mr. President, we are again facing an unusual time. Hurricane Katrina, and then, of course, Hurricane Rita, devastated New Orleans and the surrounding areas. The people of this region deserve our full support. Instead of providing that support and helping these communities meet their needs, the proposal before us actually restricts their access to funds by preventing them from using principal forgiveness authorities that are part of current law.

I know this has been presented apparently by the leadership in the House as a take-it-or-leave-it deal. I know what a difficult position that puts our two Senators from Louisiana in because they are basically being told you can leave here with \$750 million with discriminatory conditions on it that make your people second-class citizens compared to everybody else, or you can leave with nothing. Well, that is a Hobson's choice if there ever was one.

Mr. BYRD. Right.

Mrs. CLINTON. Bring nothing home or bring something that is not going to help your hospitals, is not available to many communities because they are not going to be able to borrow it in the first place because they cannot repay it.

Mr. BYRD. Shame.

Mrs. CLINTON. I came from a meeting where a number of business executives along the gulf coast are desperately trying to figure out what they are going to do. Entergy in New Orleans has just taken bankruptcy. They said if they have to put the costs they are accruing into the rate base—which they have to do under these circumstances—rates are going to rise 200 percent.

What are people with no jobs and no businesses—and we will not even give them an unemployment compensation extension, we will not pass the Medicaid emergency application process which we used in New York—going to do? We had a one-page Medicaid eligibility program that got people back into a position where they could get their health needs met. We are not doing any of that for people along the gulf.

Mr. BYRD. Right.

Mrs. CLINTON. Mr. President, I have the deepest sympathy for my col-

leagues from Louisiana. They are between a rock and a hard place.

Mr. BYRD. Right.

Mrs. CLINTON. Go home with nothing or go home with a bad deal.

Mr. BYRD. Shame.

Mrs. CLINTON. And a deal that has never been inflicted on any other city, State, or region in our country.

Mr. BYRD. What a shame.

Mrs. CLINTON. Finally, Mr. President, this is all being done in the name of the deficit. I know, I read the papers. We have a lot of people who have discovered the deficit up here.

Mr. BYRD. Cut the funds for Iraq.

Mrs. CLINTON. There are a lot of other alternatives than imposing discriminatory conditions on the American people—the American people along the gulf coast.

Mr. BYRD. Shame.

Mrs. CLINTON. Mr. President, together we can do better than this. A strong America begins at home.

Mr. BYRD. Right.

Mrs. CLINTON. And we should owe our highest allegiance to the people who are in this country. And before we extend 100 billion more dollars in tax cuts, and before we continue to run up this deficit by funding the war and all of the other associated expenses, let's get some responsibility back here and let's treat the people of the gulf coast with the respect and dignity they deserve.

I yield the floor.

Mr. BYRD. Hear hear.

Ms. LANDRIEU. Hear hear.

The PRESIDING OFFICER. The majority leader.

COMMUNITY DISASTER LOAN ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1858, the Vitter bill, which is at the desk, that the bill be read three times, passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, let the Record be spread with my admiration for the senior Senator from the State of Louisiana for her tireless work on behalf of the people of Louisiana. I think most all of us would agree that this bill is imperfect, and that is an understatement. But I so appreciate the enthusiasm, the diligence, the hard work of my friend from the State of Louisiana, Senator LANDRIEU.

Also, once this bill passes—and it will pass—I think the focus then moves to the other side of the Capitol. I hope those people who are listening to this who have connections with the administration would assist us in getting the House to do the right thing: not only pass what we have done here, but hopefully take out this provision which I

think is different than the people of the State of Louisiana thought they would get.

I hope that by the time the House closes business today, we have a better product than what we have here. I also think it is important for me, having expressed my appreciation to the Senator from Louisiana—I acknowledged the senior Senator, but I acknowledge the work of the junior Senator from Louisiana. They have worked together. I understand that. It is a difficult situation in which we find ourselves based on that storm none of us anticipated, at least I did not.

We are going to have to continue to work our way through this. Even though the devastation of the storm has left the mind's eye of most people momentarily—and it is only momentarily—it is so easy to conjure up in our minds the images we saw—we simply need to help those people who have been forced to leave their homes and take their children to other places.

It is a terrible situation, and we need to help. This is a first step in helping, even though, as the Senator from New York so clearly opined, this is not the best solution. It is a solution.

I again want the RECORD to be spread with the fact that I appreciate the work of the Senators from Louisiana, especially my friend, Ms. LANDRIEU.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that I be allowed to explain an amendment which I am going to ask the majority leader to accept as part of this unanimous consent request, and that I be allowed to proceed for 4 minutes to explain what this amendment does.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we have all gotten up on this floor and talked about the urgent necessity of helping the people of Louisiana, Alabama, Mississippi, and Texas. We have all been on this floor talking about the uniqueness of the disaster which is called Katrina. Every one of us goes back home. We received into our homes, our churches, our synagogues people who have been displaced by Katrina. Our people have responded magnificently to this disaster, to this catastrophe back home.

Now the question is whether we in the Congress are going to be helpful to the victims in a way which we have been helpful in so many other disasters of a smaller magnitude by providing a loan so that operations can continue, or whether we are going to incorporate a provision in this loan which has never been incorporated before in any loan ever made to a community that obtained a loan under this law.

We have never imposed this restriction that is in this bill on any community in this country. We have lent money to Ricksburg, ID; we have lent money to Johnstown, PA; we have lent

money to Clifton, AZ; we have lent money to Albion Borough, PA; we have lent money to Vassar, MI, in my home State.

There are occasions when those loans have been forgiven, and in the ones I just listed—and I want the majority leader to understand the depth of the feeling on this issue because it can happen to any of us—the loans I just listed, including one to my home State, have been forgiven when they met the conditions of the Stafford Act for forgiving loans.

But now we are telling the victims of the worst disaster we have had in this country that the Stafford Act provisions, which, under certain circumstances, could permit the forgiveness of a loan, will not be available to them. My amendment does not turn this loan into a grant.

If my amendment is accepted, it would provide that the same terms and conditions under which this loan is made will be the terms and conditions that have been applied to other loans.

To discriminate against these people who have been so victimized, to me, is unthinkable—that we would single them out for discriminatory language. I don't believe we can operate this way, and I don't believe the House would reject our language if my amendment is accepted.

The Senator from Delaware and I went over to the House last night. We talked with the chairman of the Appropriations Committee, and he indicated that the language which I am going to suggest would be acceptable to him. He didn't speak for the whole House, obviously, and if the Senator from Delaware chooses to comment on this, I think he will restate what I just stated as being accurate.

My request, my plea, is that we adopt language which strikes the discriminatory provision which allows the Stafford Act forgiveness to be considered with these loans the way it has been considered with all other loans. That is my plea. And my plea is incorporated in an amendment.

My amendment, which I ask the majority leader to consider, would strike the word "not" in the bill where it says:

... that loans may not be canceled.

Strike the word "not" and substitute the words "may be canceled pursuant to the Stafford Act," and with an additional requirement, "with the approval of the Congress."

I suggest we add an additional safeguard, the safeguard of the Stafford Act, which has been applied to all other loans, but in addition to that, add a requirement that if there is forgiveness, it could only happen with the approval of the Congress. That is a double safeguard. That still would single them out as no others have been singled out, but at least it would keep the possibility explicit in the bill that under the circumstances that are provided for every other loan, that these loans might be forgiven should Congress so choose.

I have been told we can always do that; we always have that power, and we do. It is implicit. But I think we should make it explicit to give people the assurance that in addition—it is bad enough to be victims of this hurricane; it is doubly bad to be victims of discriminatory language. And we are not going to walk down that road. We are going to hold our hand out to you and not insult or offend at the same time.

I ask the leader whether he would amend his unanimous consent proposal to strike the word "not" on page 2, line 10, and substitute the words "only with the approval of the Congress"?

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. FRIST. Mr. President, I object to the request.

The PRESIDING OFFICER. Is there objection to the majority leader's original consent request?

Mr. CARPER. Reserving the right to object.

Mr. FRIST. Mr. President, regular order.

The PRESIDING OFFICER. Regular order being called for, the Senator from Delaware must object or not object.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does the Senator from Delaware or any other Senator not have the right to reserve the right to object?

The PRESIDING OFFICER. It is not a right to reserve the right to object; it is an indulgence of the Chair.

Mr. FRIST. Mr. President, regular order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the majority leader?

Without objection, it is so ordered.

The bill (S. 1858) was read three times and passed, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Disaster Loan Act of 2005".

SEC. 2. DISASTER LOANS.

(a) ESSENTIAL SERVICES.—Of the amounts provided in Public Law 109-62 for "Disaster Relief", up to \$750,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services: *Provided*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$1,000,000,000 under section 417 of the Stafford Act: *Provided further*, That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—Of the amounts provided in Public Law 109-62 for "Disaster Relief", up to \$1,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the last 24 hours, we have dealt with an issue that centers around the Vitter bill and the proposal to appropriately be able to modify, increase the amounts of loans and loan programs. We have struggled to come to the point we have today, which maximizes our likelihood, having just passed the Vitter bill, to get language to the House of Representatives before they leave today so that we can respond to the very real needs of the local communities in New Orleans.

We have been working actually for about 10 days on the specific issue of being able to support local government, law enforcement, and hospitals. The step we just took in passing the Vitter bill maximizes our chance today of getting a bill to the House, which we will do, of having the House address it in the next few hours, and having this relief being made available to the people of New Orleans.

There have been a lot of suggestions in terms of language and changes in words, all of which is fine, and some of the language is even very reasonable in terms of the language itself, but after discussions with Republican leadership, the administration having fully vetted the language that is in the Vitter bill, I strongly believe that this gives us the best chance to respond to the very real needs of the people of New Orleans.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, the last 24 hours has been a frustrating and disappointing time for me, quite frankly—frustrating because as we face an unprecedented crisis along the gulf coast, some elements of the Senate have acted as they often do by giving speeches and filibustering.

When I ran for the Senate last year, that is what I heard the most from real people in real life in real towns and cities across Louisiana. They did not get that disconnect. There were real issues on the ground they had dealt with every day in their lives, and yet so often the response of some in the Senate was to give speeches, to obstruct, and to filibuster. So I have to say particularly in these circumstances, when my State and the gulf coast face unprecedented obstacles and hurdles, it has been frustrating to get that response from the other side in the Senate. But we have moved through that, and I am glad.

Just a few minutes ago, we sent over to the House a significant measure to try to get some immediate relief to local governmental entities so that

they can sustain essential services, police and fire and hospitals and the like. That is vitally important.

When others have been filibustering, making speeches, and delaying, particularly in the last 24 hours, I tried to do something constructive. What I did is what I have done for the last 10 days—working on this vital issue, trying to get something meaningful, important, and positive done. When others gave speeches about what the perfect language would be, I actually talked to other folks who were clearly going to be involved in the process at the White House, at OMB, and in the House of Representatives to understand what the best language would be that we could hopefully pass this week. I continued that work last night, again as others were giving speeches and holding up action. I continued that work talking to dozens of people to try to get something important and significant done. Across the board, that included Members here, members of the administration, and Members of the House.

Senator LEVIN, the distinguished Senator from Michigan, mentioned one conversation with the chairman of the House Appropriations Committee. I followed up with the chairman of the House Appropriations Committee. I talked to him after that conversation, and it was crystal clear to me from my conversation with him that significant elements of the House of Representatives needed to see that at least at the front end, this was a loan program. We can talk later about what we will do at the back end, how things proceed, what the financial picture looks like in the future, but at least in the front end, it is very clear that they want to frame it as a loan program. That is the only reason I accepted that language, because I actually want to do something. I actually want to get needed help today, not in 2 weeks when it will be too late for so many of those communities and local jurisdictions of government that need to preserve their police, fire, and hospital services. That is the only reason I have focused on this particular version of the bill and that particular language.

Several speakers on the other side called it discriminatory. Let me explain a few other ways in which it is discriminatory because it is discriminatory in at least three other ways, and I am pretty darn proud of being able to negotiate those three other discriminatory provisions. No. 1, for the first time ever that I am aware of, ever in history, we are moving emergency Stafford Act funds that have already been appropriated by the Congress into this community disaster loan program under homeland security so it can be used for ongoing expenses, ongoing salaries, and other expenses of local government. That has never happened before. That is discriminatory, and I am proud of that discriminatory provision.

Secondly, we are lifting the cap on this program that ordinarily limits

these funds to \$5 million per entity of local government. We are blowing well past that, and there are significant numbers of local government entities, such as the city of New Orleans, that will be able to get loans way in excess of that, perhaps 10, 11, 12 times in excess of that in the case of the city of New Orleans. That is discriminatory because it has never happened before. It is discriminatory in our favor because we needed it.

So there are many provisions in this version of the bill that were discriminatory in our favor because these are unusual circumstances and call for absolutely dramatic action. So I am proud of being able to negotiate those. I accept this other provision because, again, what is important to real people in the real world in the real devastated area is that we get real help to them today—not give a speech, not filibuster, but get real help to them today and not simply pass it off for 2 weeks or a month. I am hopeful that is what this bill which we have just passed through the Senate will do.

It has not yet cleared the House, and immediately from this floor, I will go to the House and continue my discussions which were begun over a week ago with House leaders, House Members, to try to ensure that this type of strong, effective action actually happens today.

I thank the Chair for his indulgence. It certainly was not my plan or my actions which caused this 24 hours of obstruction, filibuster, and frustration. I share that frustration, and I thank everyone who has worked constructively on trying to get something done, everyone here, everyone in the U.S. House, everyone in the administration, and OMB, whose help put that together.

I yield back my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today first to pay tribute to the senior Senator from Louisiana for her courage, her strength, and her resolve. I have been so amazed and impressed at the way she has been willing to continue to be on this floor, regardless of how tired she became, in order to fight for the people of Louisiana. I hope everyone in Louisiana understands what she is doing on their behalf and on behalf of all of those in the entire gulf region.

What is so disappointing for me is to see that this has not been a bipartisan effort. It seemed reasonable to me. I represent Michigan, and fortunately we have not been in a situation like my colleagues from New York or the gulf or California. So far—knock on wood—we have not had to face that kind of a catastrophe. But I found what the Senator from Louisiana was asking for very reasonable.

On a bipartisan basis, we have appropriated \$61 billion to be used through FEMA. We assumed it would be already being used for the things the Senator

talked about. I was shocked to learn that those funds had not been released to help local communities, as we have been told, and that the process was not moving as it should when people are so desperately in need of support, whether it be the small businesses, the families, the seniors, the cities.

When the Senator from Louisiana asked us for a very modest request of allowing \$1 billion of \$61 billion to be used directly and immediately to help those who have been so devastated, we do not have bipartisan support for that. I was very disappointed that both Senators from Louisiana were not standing together for that, very surprised that instead what we see is an alternative that comes back that is not only less than what is needed but has restrictions that have not been put on other States and other communities. The caps being talked about being raised in terms of loans have been done before, but it is my understanding that no community has been asked before to guarantee a repayment on those loans. I do not know why anyone would support that kind of an effort for their State or their communities to be treated differently than other States or other communities.

If I were in that position, I would not want to say to my folks: I trust you less than I trust the folks in New York; I voted for a different set of rules for what happened in New York, what happened in relation to Washington, DC, and the Pentagon. I certainly would not want to be in a situation of saying that I would vote for rules that were penalizing my own people or saying we do not trust you as much as we trust people in other places. So I am surprised and disappointed, and I know the senior Senator from Louisiana, Ms. LANDRIEU, is as concerned, surprised, and deeply disappointed, certainly, as I am and more than I am because she is working on this every single day.

I just want to indicate that we could have done better, and I believe working together America can do better. I believe we can do better for the people of Louisiana and the gulf coast than what has been offered and passed here today. I know the senior Senator from Louisiana has worked very hard in order to put forward proposals that are better and that would do better than what has been achieved today.

I commend her once again and thank her on behalf of all of us who at any moment could find ourselves in the same situation, could find ourselves fighting for our people because of a devastating attack or natural disaster. I hope I would have the courage of conviction, the compassion, and the strength that the Senator from Louisiana has shown and I know will continue to show.

I yield back.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, folks who might be watching this debate across the country may be wondering

what this is all about. Let me try to simplify it as best I can.

Over the last month or so, the Congress has appropriated some \$61 billion to be used to assist in the reconstruction, the aid, and the housing of a lot of people whose lives have been disrupted and in some cases destroyed. There are a number of cities, towns, and jurisdictions within that region where their revenue base—the ability to raise taxes and to provide essential services—is gone. Of that \$61 billion, FEMA is not authorized to extend or lend that money to those cities or towns or jurisdictions without our authorization.

The legislation that is before us today would authorize the movement of about \$750 million from FEMA to be able to lend that money to some of these cities, towns, parishes, and jurisdictions so that hospitals can be helped and police, fire services, and other services can be extended even though the revenue base has dried up under all of this water.

Historically, when FEMA has been given the authority to extend this money, to lend money to other communities, other cities, other States, the loans have in some cases been forgiven. It did not require an act of Congress to do that. It did not require any particular action by OMB or certification by OMB to do that. It occurred under the law. The loans were forgiven.

Senator LEVIN mentioned earlier that a number of jurisdictions, a number of local government borrowers borrowed money extended through FEMA to help these communities in their most tough times, in Idaho, in West Virginia, Pennsylvania, Alabama, Arizona, and others. They did not have to come and ask for an act of Congress to get that forgiveness. They didn't have to go to OMB and say please forgive this loan. The loans were forgiven.

Senator CLINTON spoke a bit earlier as well and talked about the generous assistance that the taxpayers of this country provided to New York City on the heels of 9/11. Mr. President, \$20 billion was the amount of money, almost a direct infusion. I thought it was loan. For all these years I thought it was a loan that was forgiven. I was wrong. It was a grant—just a gift to the people of New York as they struggled to recover from their tragedy.

The tragedy that has fallen on the folks along the gulf coast is every bit as bad for a lot of them as what happened in New York on 9/11. Yet we are not prepared to provide a grant to those communities, those cities, so they can provide essential services. Frankly, none of us are calling for doing that.

FEMA has all this money we provided them. Absent some legislation today, they are not able to extend any of that money to help these communities and cities. The legislation is designed to say we are going to allow FEMA to extend those loans.

But unlike the way we treated New York, which got a grant, not a loan,

and unlike the loans that were extended to all the communities listed on this sheet of paper whose loans were forgiven and did not even require our action or OMB's forgiveness, we say with respect to the folks on the gulf coast: We are not going to forgive your loan.

CARL LEVIN—Senator LEVIN—and I spent a good deal of time last night trying to put together a compromise. I appreciate very much the cooperation of Senator LANDRIEU to help find that compromise and Senator VITTER and certainly Senator FRIST. Senator LEVIN and I, at the midnight hour last night, were down in the House and found Congressman LEWIS, the chairman of the Appropriations Committee, and said to him: What if we provide a change in language in this bill so, in order to forgive a loan that FEMA would make under the authorization of this bill, it would require an act of Congress? The Senate and House and President would have to concur in that forgiveness.

He said he thought that was a reasonable idea and thought even the House might go along with that.

I am disappointed to hear this morning that is not going to happen. Senator FRIST, last night in conversation after midnight with Senator LEVIN and me, said he thought that was a reasonable idea. He couldn't commit himself to make it happen, but he thought that was a reasonable approach, and, frankly, I do, too. For the life of me, I do not see why that is not acceptable.

If we were to include language—and we are not going to get the chance to do this because Senator LEVIN's amendment is not going to be made in order, but if we were to include language that said an act of Congress was required in order to forgive loans made by FEMA to these jurisdictions in their hour of need, that is a very high standard. It is a standard we never set for these communities. It is a standard we never set for New York.

The greatest irony to me is, going back, we didn't require an act of Congress or intervention of OMB to enable the forgiveness of these loans. Going forward, as I read the legislation—going forward, if you are from Delaware or from Michigan or if you are from Georgia and your communities seek a loan from FEMA in a similar situation, an emergency, moneys that have been authorized and appropriated, you don't have to get an act of Congress to have that loan forgiven. You don't have to get any special approval from OMB so the loan can be forgiven. It can be forgiven.

Yet in this case, with respect to the Gulf Coast States, we do not allow that to happen. Going back in time and going forward in time it looks to me as if we protect the rest of us. We allow for the loans to be forgiven for the other 49 States or 48 States. But not in this case. That does not make sense. That does not make sense.

As we move to pass the legislation, I echo what some of my other colleagues

have said. We can do better. When we have an opportunity to return, in a week or so, my earnest hope is that we will do better.

In closing, I say to my friend and colleague, Senator LANDRIEU, it has been an honor to stand by her side in this struggle. The people of Louisiana are fortunate to have Senators with that kind of passion and care for them. I hope, as we go forward working with Senator VITTER, we can get to an outcome that is fair to the people you represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank, so much, the Senator from Delaware who, before he was a Senator—because he wasn't born one either—was a Governor of Delaware. Before he was Governor, he was a husband and a father, which he still is. I know he does a magnificent job at family and in the Senate because I have seen him here at late hours.

Last night this Senator from Delaware, who does not, obviously, have a dog in this hunt, stood through the night and negotiated with myself and with my colleague from Louisiana, with Senator FRIST, with Senator REID, and we negotiated and offered one compromise after another in meetings, on the telephone, on the floor, when we could speak—because speech was limited last night. Despite the notion that is out there that Senators can speak any time they want, the rules of the Senate actually prevent Senators from speaking. So I was not able to speak as much as I would have liked through the night last night. When I was not able to speak on the floor, we were in meetings, in phone calls, speaking with the White House and the House leadership and Republican colleagues and Democratic colleagues, trying to work through this situation.

We put our best efforts forward. We are now down to this time, which is basically the end of this debate, having passed a bill by Senator VITTER and Senator FRIST that will basically allow us to have the loans we seek, loans that are so necessary, but a bill that forces us to take it in a discriminatory fashion.

I believe this Senator has shown, on many occasions, a willingness to compromise and to work through difficult situations. I helped negotiate No Child Left Behind on this floor, one of the premier centerpieces of the current President's administration, of his agenda, even when half of my caucus was opposed—not sort of opposed but very opposed. But I knew what was best for Louisiana was to move forward because we had already gone down the road of accountability. It was showing some results. The children in my State were learning. The gap between the rich and the poor was closing, not because the rich were coming down but because the poor were coming up.

White children and Black children, who had been by law separated for over

150 years in schools, were then thrust together in the 1960s and 1970s. I believed that law, and I still believe this law, could help lift those who had limited opportunities. I have worked with Senators on both sides of the aisle, for the 8 years that I have been here, to try to craft and negotiate some of the toughest legislation the Senate has seen—compromise on missile defense, compromise on Corps of Engineers to move a WRDA bill. I worked for 10 years to compromise the Conservation and Reinvestment Act where 4,500 organizations in this country, from the most liberal to the most conservative, came together one time on one bill to provide coastal money for all the communities in the Nation: 10 years of meetings, 10 years of phone calls, 10 years of speeches, 10 years of pleas, 10 years of press conferences, 10 years of alliance building, only to get down to the last minute some years ago to be told, with 72 signatures on that bill at the last minute, 5 years ago: Senator, we cannot bring your bill up, there is an election around the corner and it may have repercussions for one or two people here. We can't do it.

You could have taken a knife and stabbed it in my heart, but I stood there and took it, not because it was me but because the people I represent I knew were getting a bad deal. But in my heart I knew that I and our delegation had literally done everything we could possibly do. When it came to the end, the death was quick.

When I got back in the next session, after my State had been stabbed in the heart and left for dead—which we have died, through this hurricane—I started putting yet another bill together because there is nothing wrong with me that I don't know how to work through difficult situations. My family has been doing it a very long time.

I thank Senator CLINTON for her remarks. She obviously understands what the people of New York went through. I also thank Senator SCHUMER. Although he was not here in person, he was here in spirit. He and Senator CLINTON stood by the Republican mayor at the time, Rudy Giuliani, lifted him up and helped him. No second-guessing; they helped him and they lifted the city up.

I thank Senator JEFFORDS, who has been a champion. He stood at the Levee Bridge with me. I have been on so many trips down to Louisiana I lose count, but one of them I remember very well. Senator JEFFORDS came down with me, so far to the bottom of Louisiana if he had taken one more step he would have been in the Gulf of Mexico. There is not much down there—no big cities, no big money, no big press conferences. There is hardly a camera at the end of LA-1, at Port Fourchon, but Senator JEFFORDS went. He stood there, and while I was explaining to him the difficulty of getting people out in an evacuation for a hurricane on a highway that goes underwater when there is rain, let alone

when a category 5 hurricane comes bearing down on you—he stood there on the bridge with me and at the moment—if I could have scripted it myself I could not have done it any better, and people who were not there are not going to believe what I am going to say but I have a lot of witnesses—at the very moment I was pointing to the Levee Bridge, a shrimp trawler came in, lifted their nets up as they do—they look like butterflies out on the gulf—they lifted their nets up and ran into the bridge, with Senator JEFFORDS on it, and shook the bridge and shut it down like that.

The words had just come out of my mouth: Senator JEFFORDS, not only is the road a problem but when the hurricane comes, if this bridge shuts down, there is no way out. And the shrimp trawler hit the bridge.

He said to me, laughing with his good sense of humor: Senator, don't you think you went a little too far to make your point?

And we had a big laugh about it, not that I laughed about the shrimp trawler, but we literally cannot believe that and have talked about it for 3 years.

Our strength is found at home in our neighborhoods, in our churches, on corners, in our workplaces, and in our places of worship. Right here is where our strength is found—not in anyplace overseas, right here at home.

I am going to wrap up by showing you pictures of the homes to make my point. This is our home on the gulf coast. After the photographer took this picture, the commentary in the National Geographic magazine was something like: It looks like a weapon of mass destruction went off on the gulf coast. This is exactly what would happen if a weapon of mass destruction would go off, except you wouldn't have the trees and maybe the beach would be a little disheveled. That is what it looks like. It was a storm of massive destruction.

Our strength begins at home.

The underlying bill is sending \$415 billion overseas. We ask for a loan program of \$1 billion already allocated under the same terms and conditions that everyone in America has received. And we are told no. It was too much to do.

I am going to close with this.

This is a picture of New Orleans. It doesn't look like this today because all the water has gone down. But when people say, Why can't you be a little bit more self-reliant, I am not sure any city in America could stand itself up by itself with no loans, no grants, with the police force being laid off, a fire department being laid off, city workers being laid off, an electric company taking bankruptcy, no water in the pipes. And when we come to ask for a loan, we are told: Sorry, there is no money in the Treasury. We have made other arrangements for the taxes that you have paid over the last 300 years.

Let me submit for the RECORD a letter from the U.S. Conference of Mayors

which they sent to this Senate. They said:

We greatly appreciate Congress' attention to America's cities devastated by Hurricane Katrina, and now Hurricane Rita, and to those cities home to hundreds of thousands of evacuees. The leadership of the U.S. Conference of Mayors, convened in Long Beach on September 22-24, resolved that Congress must pass legislation to provide direct fiscal assistance to cities devastated by Hurricanes Katrina and Rita—

All cities, cities that are Republican cities and cities that are Democratic cities, communities that do not vote for Democrats and communities that do not vote for Republicans—all cities.

Most importantly, we urge the Senate to reject language that would for the first time in history remove the possibility that communities' disaster loans be forgivable, if needed, due to the dire situation many of the impacted cities will continue to face in the months and years ahead.

It goes on to say they are going to keep a vigil. I hope somebody keeps the candle burning.

I ask unanimous that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, October 7, 2005.

Hon. BILL FRIST,

Majority Leader, U.S. Senate.

Hon. HARRY REID,

Democratic Leader, U.S. Senate.

DEAR SENATE LEADERS:

FISCAL AID NEEDED NOW FOR HURRICANE
CITIES, WITHOUT NEW STRINGS ATTACHED

We greatly appreciate Congress's attention to America's cities devastated by Hurricane Katrina, and now Hurricane Rita, and to those cities home to hundred of thousands of evacuees. The Leadership of The U.S. Conference of Mayors, convened in Long Beach on September 22-24, resolved that Congress must pass legislation to provide direct fiscal assistance to cities devastated by Hurricanes Katrina and Rita, as we stated to you in our letter of September 29.

Most importantly, we urge the Senate to reject language that would—for the first time in history—remove the possibility that community disaster loans be forgivable, if needed, due to the dire situation many of the impacted cities will continue to face in the months and years ahead.

As we learned during our recent fact-finding mission to Louisiana, Mississippi and Alabama, the mayors of these cities have lost most of their tax base and will soon be without the funds needed to pay first responders, public works employees, and other key local personnel that are leading the recovery effort. These local personnel are truly national assets in the recovery from Hurricanes Katrina and Rita, and these cities must not be allowed to go bankrupt. Without a functioning local government, the private sector will be stymied in efforts to invest in the reconstruction effort, and it will be impossible for volunteer relief efforts to be coordinated and to function.

If you would like to discuss this further, please contact our Chief of Staff Ed Somers at (202) 861-6706 or esomers@usmayors.org.

We look forward to working with you in the coming days, as together we strengthen the intergovernmental partnership needed to

make sure our cities are safe and our nation prospers.

Sincerely,

BEVERLY O'NEILL,
Mayor of Long Beach, President.
TOM COCHRAN,
Executive Director.

Ms. LANDRIEU. Mr. President, I have shown all the pictures I can show for the week. I have done all the talking I can do for today. But I can promise you this. This talking will continue and these meetings will continue and this debate will continue. It is not going away.

The leadership of the House of Representatives needs to be put on notice that this debate is going to go on for a very long time, until we get relief, recovery, respect, and the dignity that we deserve as American citizens from Louisiana to Texas to Alabama to Mississippi and the people whom we represent, Black and White, rich and poor, young and old, small and large businesses alike, and our faith-based community, get the respect it deserves from the floor of this Senate and the Congress of the United States, and gets the help it needs to get through and rebuild.

I assure you that we will rebuild this coast. We will rebuild the gulf coast. It was paid for by a great President, President Jefferson, at 3 cents an acre in 1803 where he borrowed money. He knew what he was borrowing money for. He had a good reason to borrow it, and he bought the Louisiana Purchase. Andrew Jackson came and defended it. His statue never went underwater.

We will rebuild this region all through the gulf coast and into Louisiana—the ports, the energy infrastructure, turn our lights on again, and keep the lights on all over America, to try to keep people's bills as low as we can and keep their heat on this winter, which is approaching. Even if you do not give us one penny, even if you do not lend us money, we have been self-reliant for over 300 or more years. The people here are pretty tough and it takes a lot more than this to beat our spirit.

The bill is gone. It is the best we could do. It is not the best we could have done, but it is what we have. We will live with it, but we will not stop this debate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS CRISIS

Mr. DOMENICI. Mr. President, this week, Senator BINGAMAN, Senator AKAKA and I returned from Baton Rouge.

We went down to see and learn firsthand about Hurricanes Katrina and Rita damage to the energy infrastructure. There is a great deal of work to be done, and there is a great deal of courage and confidence that it can be done. We need to find ways to make that recovery go right.

Yesterday, my committee held a hearing where we heard from energy industry witnesses who have been impacted by the hurricanes. The main message of that hearing was we are in troubled energy times, particularly on the natural gas front. The CEO of DOW Chemical Company painted a very bleak picture for American industry.

Our industries that rely on natural gas both as a fuel and a feedstock have hard choices before them about how and where they will base their operations. In the U.S., natural gas prices are close to \$14. In China, it is less than \$5. In Saudi Arabia, it is about \$1. If we translated gasoline prices to the level of increases faced by natural gas—we would be seeing \$7-a-gallon gasoline at the pump right now.

At DOW's St. Charles petrochemical complex that I saw in Baton Rouge, I learned that every \$1 increase in the cost of natural gas means an additional \$35 million a year in fuel costs for that single facility. Our manufacturers have to compete in global markets. At those prices, they can't.

The energy bill we just passed took some good steps forward to address these challenges but did not secure more natural gas supply that we have available right here at home.

In the area on the Outer Continental Shelf known as the nonleased portions of Lease Sale 181 which is not under moratorium, but which we are not allowing leasing, there is approximately 7.2 trillion cubic feet of gas. In the areas more than 100 miles from any state coastline, 2 resources are estimated to be approximately 6 trillion cubic feet of gas.

This area can be leased administratively, without any legislative action. At our committee hearing and during yesterday's press conference I urged the administration to reconsider this policy in light of our Nation's natural gas crisis, which has seen a 121-percent price increase in just 1 year.

I will continue to work to cure more domestic energy supplies, but in the short term all the witnesses the committee heard from yesterday said conservation is the most effective tool we can use to deal with the present crisis.

If every American turns down their thermostat just 2 degrees this winter, it could free up 3 billion cubic feet of gas per day.

According to the DOW witness yesterday, that kind of conservation would be equal to having 3 LNG terminals. In addition, we need to focus our efforts on organizing the recovery on the energy infrastructure, our witnesses all stressed the need to give priority to restoration of natural gas processing plants.

The Congress and the administration must provide the leadership to make this recovery move quickly and smartly.

Our witnesses all emphasized that we are in an energy crisis.

Mr. President and fellow Senators, the country is facing an enormous problem. I might even say, without reluctance, that it is a crisis. People might say: Well, Senator, you are talking about Katrina, Rita. No. Katrina and Rita have pointed out to us a crisis well beyond those two hurricanes, and that is that we have a very significant shortfall in the natural gas that is needed to run our businesses and to use for our people during this ensuing winter. If something is not done, it might be for a very long period of time.

Now, it sounds almost impossible, if not incredible, that I would be here on the floor saying this when just 4 or 5 years ago, those who were in the business of producing natural gas and those who knew about America's energy situation were saying: There is plenty of natural gas. Don't worry about that marvelous product.

So what we have done in the last 15 years is to say, since we don't know how to clean up coal sufficient to meet our standards and because we worry about global warming, we will not build any new coal-burning powerplants.

We have not built a nuclear powerplant in over 20 years. So for the last 15 years, at least 13 years, every new powerplant—that is these big monster powerplants that generate electricity, 500 megawatts, 1,000 megawatts—is fueled by natural gas. Then the people of our country have found this is a marvelous fuel for our kitchens, for houses, so more and more people are using natural gas for our way of life, our great standard of living. But what isn't understood is that natural gas is such a great product that when you change its chemical makeup, you use it for a lot of things. The entire fertilizer industry of America is based upon natural gas as one of the components. People don't know the entire chemical and plastic industry is built around and predicated and dependent upon natural gas. That means not only is it imperative that we have it, but I am here today to suggest it is also imperative that it not be so high priced that it puts our businesses out of business.

I had the luxury, as a Senator, to go down and see the aftermath of Katrina and Rita with my colleagues Senator BINGAMAN and Senator AKAKA of Hawaii. We looked at the damage and the energy infrastructure of all types that were destroyed or put out of business. They are going to have an immediate impact because supply has been interrupted, both in the generation of electricity and in putting natural gas into pipelines to deliver it to the United States and to deliver it to our numerous petrochemical plants, plastics plants, and other things. Also the feedstock, you convert things from natural

gas, you convert it into the basic things that are used as feedstock for these industries. We are going to be in short supply in the short term because supply has been interrupted and the capacity to deliver has been interrupted. Those are going to get fixed in due course, but in the meantime, we have dramatically used down our reserves, because they are there to pick up when we don't have natural supply coming. The offshore wells aren't producing, so you have reserves to take their place. But the reserves are being depleted, so we are going to have much less reserve capacity which means we may have interim difficulties.

But what has happened is, all of this has pushed the price of natural gas up. Believe it or not, at the beginning of this week, the bid price was \$14, where just a few years ago it was \$2, and 10 days ago it was \$7. Understand that it doesn't sound like much if you are talking about 2 cents or 7 cents. There isn't much difference between that 14 cents. That is just a little change.

Here is the problem: We had a hearing in the Energy and Natural Resources Committee. I must say, as chairman of that committee, it lasted 2½ hours. It was probably as informative a hearing as I have ever presided over. Eight Senators participated. They stayed there and listened to five people talk about the crisis America has with reference to natural gas, not only because of the aftermath of Katrina and Rita, but because we are using so much natural gas and we don't have enough production to meet the need.

We can't sit around and listen to people who say: We don't need any more supply. That is these old industry companies that want to scare us, and they don't need more supply.

We need more supply. It is imperative that we find more natural gas some way. I will quickly tell you the little bit we can do in that regard. I will acknowledge this hearing was attended by witnesses representing the entire industry of oil and gas, a leading environmentalist, three other people who know the problems of Katrina very well, and they were in harmony that we must conserve. So I don't want anybody to think conservation isn't a very important part of this problem I am telling you about, this pending crisis of the rising cost of natural gas and the shortages that might occur. Every chance I get and by every means available, I am going to try to remind the Senate and anybody who will listen that we must understand this fantastic commodity called natural gas is not abundant in the United States. The price is going to go through the roof if something isn't done.

I don't have an answer right now. I am working at it, but I don't have an answer. I want everybody to know, so they are not surprised, that we understand anything that can be done should be done because the crisis is imminent. If the price stays at \$14, the crisis is imminent.

Let me tell you how important it is. One of the largest employers in America of high-paying, skilled, professionally trained jobs is the petrochemical industry, the chemical industry, Dow Chemical, a huge plant down there in the middle of Katrina. We went to see it. I won't talk today about the heroics of trying to bring it back and save it and save their people. That is another story. But yesterday the president and chief operating officer of that great company came to our committee. He is reported in the morning's Washington Post in the business section with a detailed story about this crisis I am talking about. This gentleman, Andrew Liveris, is a terrific executive. He gave us a very simple example which I want everybody to listen to. At this plant are 3,500 professionally trained, skilled Americans with terrific jobs. How good? The average is \$70,000 plus great benefits for each and every person there. They produce huge things. They gave us a little box of them. They produce all kinds of plastics, things you could never imagine that they produce and sell. The principal ingredient in making their product is natural gas.

Without natural gas, all those workers can go home. They can go home and say goodbye because they can't operate, not only without natural gas, but if natural gas gets too high, petrochemical plants can be located anywhere. They are not inherent to a piece of geography in the United States. They are being sought after by everyone in the world. That CEO told us on the record: When I leave you, tomorrow I am going to China. You can't tell him: Don't go to China. China wants to build a petrochemical industry. They think the greatest in the world is this one. Do you think he is going over there to have a birthday party? He is going over there to talk business.

This is not a question of cheap labor. It is a question of natural gas prices. You understand, there may be natural gas in China for \$1. He is now going to have to pay, if this price stays where it was bid Monday, \$14. Do you think he will stay here? He can't stay here, not only because he wants to go somewhere, he will go out of business here. These are the numbers. Already 100,000 American jobs are gone, because 100,000 jobs were for their export business. They can't export because they are totally out of competition. The price is too high because of natural gas. So that part of American employment is gone. But now there are almost 800,000 additional Americans. How many jobs can we lose and say it doesn't matter?

It was suggested by this gentleman, who had a terrific analytical ability—he told us how all this works—if the price of natural gas continues as we are talking about, 800,000-plus jobs will go. They will not be able to stay open.

Add to that the fact that everybody must understand you don't see natural gas on a gasoline pump. You don't see day by day the price going up. When

you see gasoline go from \$2 to \$2.50, \$2.80, \$3, you say: Something is going wrong. The increase in natural gas price from where it was a year ago to where it was Monday of this week, if you transfer that into gasoline prices, gasoline would be priced at \$7 a gallon. Think of what would happen to the American economy and to everyday people if gasoline were \$7. Everybody who uses natural gas, in particular the industries that use it, are suffering from that kind of an increase. Two years ago gasoline was at \$1.69. What if it went to 7? That is what has happened to natural gas.

I am going to include in the RECORD a statement that gives further details about this problem. But I suggest that we must come to grips with the conservation. We are going to put some ideas together.

Let me say, if the American people this winter were to reduce their thermostats by 2 degrees, do you think it would be hard on everybody? I mean just imagine, unless somebody is sick and the doctor prescribes it, it would be an enormous savings of natural gas for the United States and for this pipeline to deliver natural gas. Do you know the pipelines that come out of Louisiana down there in that gulf, these two giant pipelines go all the way from Louisiana up into the United States, with legs off in Ohio, all the way to New York, delivering natural gas from that area so loaded with hydrocarbons? They put them in these pipes and have generating pusher stations all the way up into America and deliver it.

If we conserve the way I have described and other ways, which we are coming to grips with, it will make a big impact on how much those pipelines have to deliver to meet the demand. We have to find a way to do the best we can by American industry or they are going to close. And while we have some natural gas to heat our houses, we will be without jobs for the people who live in those houses.

The one thing they all suggested, when they were sitting around that table talking to us, was: There is one major source of natural gas that is American that we ought to get. I must say to those States who are coastal States, they must understand they are Americans first and coastal States second. The largest supply of American natural gas is off the coasts of our country. No doubt about it. The United States cannot sit by with the technology we have developed—we can go way offshore so that you cannot even see them. So those States that are worried about their visibility, if they are worried about oil spills, there are no oil spills from those platforms that drill.

Do you know that during the time we had this crisis not one major oil spill occurred. Those giant platforms with 20 wells drilled underground, with drilling that goes parallel and with one that was turned upside down, the oil

did not come out. So nobody has to worry about that. We can handle that. That is where the natural gas is.

I close by saying that we have been told by the experts that the best way to reduce this crisis would be to have an immediate supply of natural gas. That is not possible. We are going to have to open a substantial number of liquefied natural gas platforms or ports around our country. And where they are being delayed, we have tried to solve that in our Energy bill. We are going to push those local governments to quit the delay for delay sake and get on with letting us put some of those in so natural gas can come from foreign countries, which I hate to say, but at least we can look at it and expect it.

In the meantime, it is said that if we were to say to those who pay for natural gas that we are opening parts of the Outer Continental Shelf, just the section 181 off the coast of Florida and Alabama, which I say now to the President of the United States, Mr. President, you ought to sit down and figure out a way through your Executive order, through your pen, to open section 181, or portions of it, off the coast of Alabama and Florida. Do it, Mr. President. It might take a couple years to produce. It is ready, so it will be very quick.

We are told that the mere fact that the market understands that is ready, that huge entrance of natural gas into the areas for delivery, the pipeline system, that it will reduce the pressure on the cost of natural gas. I think the occupant of the Chair can understand that. The marketplace will say: Oh, it is not going to continue in this crisis state because here comes this huge natural gas that is now released and is ready to come. We must do that. Until it is done, at least this Senator—I have to worry about my State, but I am also a Senator for America, and I am not going to let up until that is done.

Secondly, the States in this country that refuse to recognize that we can drill off their shores on land that is owned by the Federal Government—it is not their land; they only have a few miles, and then it belongs to Americans—you can drill way out there, do no harm, and bring gas into this country to get us through the next 10 or 12 years while other sources of energy that are clean, such as nuclear and very clean coal, come on to keep America alive.

The next thing we are going to do is to find out how we can pass legislation to get those other coastal States in the position where they are either willing to accommodate this in exchange for us giving them substantially more royalties, or we are just going to have to bite the bullet.

It is going to come down here, and the people are going to have to say no, or filibuster, but they are going to have to know what they are doing. They are adding to the crisis status of our country and job market and to one of the few major industries that is left

in this country that we are great at. We are not going to be there very long. China is going to catch up, and then it is not going to be cheap labor. It is going to be high technology and national gas. India is doing the same.

I was at an event last night. We used to say how powerful we were. We know where it is; it is in India. Reliance Energy has the largest refinery of crude oil to refine into gasoline-related products. We sit here thinking we are the leaders of the world in everything. We have been sitting somewhere for a long time. I hate to say on what. But we surely have not been doing anything. If anything, we have been going backwards. There have been no new refineries in the United States for more than two decades. That is almost incredible.

I thank the Senate for listening. I will say again, this is probably the most significant event confronting us. I regret to say there are no easy answers. If there were, we would have done it, but we finally have come to the understanding that it is major, it is big, it is serious.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DODD. I thank the Chair.

HOMELAND SECURITY APPROPRIATIONS CONFERENCE REPORT

Mr. DODD. Mr. President, I rise this afternoon to discuss the fiscal year 2006 Homeland Security appropriations conference report. The Senate passed this measure earlier today by a voice vote. Frankly, I would have liked to have had a recorded vote on this measure. If a recorded vote had been ordered, I would have expressed my opposition to this conference report.

Nevertheless, I would like to begin by recognizing that the authors of this conference report, Senator GREGG and Senator BYRD, do a tremendous job each year. I have served in the Senate long enough to know how hard it is to pull these types of appropriations bills together. I also acknowledge the chairman of the Appropriations Committee, Senator COCHRAN. It is no easy task to write and manage a bill that provides for our domestic security needs. I further commend all of our colleagues and their staffs on the Homeland Security Appropriations Subcommittee for the hard work they have put into this legislation.

However, I feel compelled, notwithstanding these efforts, to express my disappointment over the adoption of this conference report. I have very deep

concerns about how this measure funds our country's vital homeland security activities.

In many crucial respects, I believe this conference report continues a pattern of failure on the part of the administration and the leadership of our Congress to address the acute and ongoing needs of our Nation's homeland security infrastructure.

Allow me to read a letter I received 3 days ago from the Republican Governor of my State, a good friend and someone with whom I work all the time. I think it is important to hear—even after we adopted this measure—from a Governor of a State that is grappling with providing the necessary security to protect its citizens.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The Governor says:

... [I]n a time when the threat of terrorism remains elevated and natural disasters such as the recent hurricanes have reminded us all of the staggering power of nature, [the cuts in this bill] simply [defy] rational explanation.

The conference report inexplicably contains cuts that exceed those in the original House or Senate bills or the President's proposed budget. Funding for the State Homeland Security Grant program is halved, from \$1.1 billion to \$550 million, while funding for the Urban Area Security Initiative is reduced from \$885 million to \$765 million. Those programs, along with the Law Enforcement Terrorism Prevention Program, have accounted for the bulk of [homeland security] funding that our state has received.

Of the money available for the State Homeland Security Grant program, states will receive a mere 0.75 percent in guaranteed funding. The balance is to be distributed by the Department of Homeland Security based on risk, though how—or when—that assessment is to be made is not clear.

Under the conference report, guaranteed funding for Connecticut in fiscal year 2006 would amount to barely \$7.13 million. This is down by two-thirds from the \$21 million in fiscal year 2005—itself a reduction from the \$46 million in 2004.

My Governor concludes her letter by saying:

The funding contained within the conference report is utterly insufficient to support the actions needed to protect the people of our State, to say nothing of the millions of travelers and tons of truck, train and barge cargo that pass through Connecticut every year.

In an age when terrorism continues to be a threat to our country, one would think that the Congress of the United States would be doing everything it could to shore up our domestic security, to make it as impregnable as possible against those who would do us harm. Yet when we look at this conference report, I do not believe it does enough to protect our people from terrorism. We are simply not investing in the resources required to make this Nation as safe as possible.

Instead of filling in the cracks that continue to exist within our homeland

security foundation, we are letting those cracks grow.

I was particularly disturbed to see that the FIRE and SAFER grant programs—vital firefighting assistance initiatives that I was pleased to author with Senators DEWINE, WARNER, and LEVIN—was cut by \$60 million over fiscal year 2005 levels. As the Governor of my State says, funding cuts of this nature defy rationality when one considers the devastation recently wrought by Hurricanes Katrina and Rita, and the unprecedented burdens placed on emergency first responders who are on the domestic frontlines in the fight against terrorism.

For the past 3 years, I have come to the floor and offered legislation that would implement the recommendations made by the Rudman Commission.

As we all know, our former colleague Warren Rudman, a former Republican Senator from New Hampshire, chaired a blue ribbon commission sponsored by the Council on Foreign Relations that included George Schultz, William Webster, Harold Varmus and other distinguished Americans.

The Rudman Commission concluded that our country's homeland security infrastructure was "drastically underfunded" and that our Nation was "dangerously unprepared" to respond effectively to a terrorist attack.

The Commission recommended that our Nation invest no less than \$20 billion a year for 5 years to take the minimum steps necessary to protect all Americans from natural and manmade threats. Regrettably, this conference report neglected to implement the recommendations of the Rudman Commission, providing only \$3.4 billion of the \$20 billion that the Commission identified as essential each and every year for 5 years.

I would point out that in the last 3 years I have offered an amendment on the Rudman Commission report, it has been regrettably defeated.

In March of 2004, we watched the train system in Madrid, Spain, attacked by terrorists with nearly 200 dead. Earlier this year, we watched the London Underground and the double-decker buses attacked by terrorists, with dozens who were killed. Yesterday, the New York City subway system was placed on high alert. Yet in response to this clear and present danger to our Nation's largest transit system, the administration today and the leadership of both the House and the Senate have, in effect, cut funding for transit security in this bill, providing funding levels that do not keep pace with expected inflation.

There is an added irony to all of this. At a time when we are dealing with record high gas prices and the administration is encouraging Americans to conserve energy by taking public transportation when and where they can, it is actually doing less than it did last year to ensure that our public transit systems are as safe as possible.

What more is it going to take before the administration and the leadership

of this body realize that we are not investing nearly enough in our homeland security infrastructure and our emergency first responders?

When it comes to meeting the security needs of our country, this administration and leadership in Congress are pursuing a policy that, at best, in my view, can be called benign neglect. That has become painfully apparent in light of the inadequate response to meeting the needs and mitigating the suffering of hundreds of thousands of people along the Gulf Coast. And it has been reinforced by this conference report's failure to make essential investments to keep all Americans safe from the risk of terrorism.

EXHIBIT 1

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, October 4, 2005.

HON. CHRISTOPHER J. DODD, JOSEPH I. LIEBERMAN, JOHN B. LARSON, ROBERT R. SIMMONS, ROSA DELAULO, CHRISTOPHER SHAYS, NANCY L. JOHNSON

DEAR CONNECTICUT CONGRESSIONAL DELEGATION: I have reviewed the Conference Report on H.R. 2360, the Department of Homeland Security Appropriations Act of 2006, and I am deeply disturbed by the woefully inadequate funding the bill would provide to Connecticut.

Under the Conference Report, guaranteed funding for Connecticut in Fiscal Year 2006 would amount to barely \$7.13 million. This is down by two-thirds from some \$21 million in FY2005—itself a reduction from nearly \$46 million in FY2004.

This is incredibly unfair to Connecticut and, in a time when the threat of terrorism remains elevated and natural disasters such as the recent hurricanes have reminded us all of the staggering power of nature, simply defies rational explanation.

The threats have not abated. Nature has not gone away. The need for equitable and sensible funding has not ended.

The Conference Report inexplicably contains cuts that exceed those in the original House or Senate bills or the President's proposed budget. Funding for the State Homeland Security Grant (SHSG) program is halved, from \$1.1 billion to \$550 million, while funding for the Urban Areas Security Initiative (UASI) was reduced from \$885 million to \$765 million. Those programs, along with the Law Enforcement Terrorism Prevention Program (LETTP), have accounted for the bulk of funding our state has received.

Of the money available for the SHSG program, states will receive a mere 0.75 percent in guaranteed funding. The balance is to be distributed by the Department of Homeland Security based on risk, though how—or when—that assessment is to be made is not clear.

In essence, the Conference Report reduces the vast majority of homeland security funding to a lobbying contest. States that are most successful in making their case before the Department of Homeland Security will get the bulk of the funding. Those that are not—will not.

This is unfortunate, to say the least. In previous years, after guaranteed SHSG and LETTP funding was distributed the remainder was apportioned on the basis of population. None of the UASI funding is guaranteed to states, and you will recall that despite the obvious need—the FY2004 grant for New Haven Harbor was not renewed in FY2005.

On September 11, 2001, America was awakened to the need for vigilance against security threats as well as natural disasters.

Connecticut, as you know, contains a number of major highways, a nuclear power facility, ports that are home to a regional depot for the U.S. Strategic Petroleum Reserve, shipyards, cargo operations and passenger and auto ferries.

The funding contained within the Conference Report is utterly insufficient to support the actions needed to protect the people of our state, to say nothing of the millions of travelers and tons of truck, train and barge cargo that pass through Connecticut every year.

I am urging you to seek an increase in the funding for Connecticut. We cannot sustain a two-thirds reduction in federal homeland security funding. It is unfair and unwise.

I will be contacting you shortly to discuss this matter further.

Sincerely,

M. JODI RELL,
Governor.

RELIEF FOR GULF COAST STATES

Mr. DODD. Mr. President, I will not take as much time as others have, but I would like to commend my colleague from Louisiana, Senator LANDRIEU, for her Herculean efforts over the last couple of days to try and convince this body to do everything it can to provide the needed relief for thousands of displaced individuals along the Gulf Coast, including, obviously, Louisiana, Mississippi, Alabama, and parts of Texas.

I am really stunned, in a sense, by the response we are providing to this situation so far.

On average we provide \$5 billion a week to fund our ongoing efforts in Iraq and Afghanistan. Obviously, this funding is critical to protect our troops and the work they continue to undertake overseas. When the President has been asked how he plans to pay for these ongoing efforts, he says that he plans to pay for them using additional Federal resources that are not taken out of other Federal spending priorities.

And yet when it comes to providing the necessary relief to our own citizens in Louisiana, Mississippi, Alabama, and Texas, we are being told by the President that we absolutely have to use existing Federal resources to pay for recovery and relief efforts. We are being told that Federal resources cannot be provided unless we reduce other Federal spending priorities.

I can understand the frustration of the Senator from Louisiana. She goes every week to community after community in her State and still sees the horrible circumstances under which thousands of people are living. Meanwhile, the Senate is about to take another week off. As literally hundreds of thousands of our fellow citizens are suffering, we are leaving town instead of working together to provide adequate long-term disaster assistance in areas such as public health, education, housing, transportation and homeland security.

The Senator from Louisiana took the floor over an extended period of time to talk about the importance of providing

this relief: to care for the thousands of displaced children, to assist people who lost their homes, their businesses, their very livelihoods. Nevertheless, we are told by this administration and the leadership in Congress that no adequate assistance can be provided unless we cut vital spending elsewhere.

If we do not have to find offsets for rebuilding Iraq and Afghanistan, then why do we have to find offsets to rebuild the Gulf Coast—our own soil? If this catastrophe were to happen in my State of Connecticut or anywhere else, we would all appreciate what our colleague from Louisiana has gone through and express our frustrations in the same way she has.

So I join with Senator LANDRIEU and others who have already spoken. I am also waiting to hear about what offsets we are going to be forced to come up with to pay for the recovery and relief efforts along the Gulf Coast. They will most certainly come from domestic investments such as Medicaid that aid the poor, not from repealing the estate tax or other tax cuts that have aided only the wealthiest of Americans.

I imagine that we will cut spending to services provided under Medicare and Medicaid—services that provide basic health care coverage to the poorest of our citizens who are the most dependent for their health care needs. There is a very sad irony to this. We are going to force the poor to bear the greatest burden on funding recovery and relief efforts along the Gulf Coast. In essence we are going to charge them to pay for this. What kind of logic is that? It is irrational, it is wrong, and we ought to be doing better by the people of our own country.

I am disappointed that this body had to rush out of town and could not spend the additional time necessary to get this right for the people of the Gulf Coast.

So I, again, applaud the Senator from Louisiana. I admire her courage. I certainly admire her tenacity in fighting as hard as she has been for the people of her State.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, on October 15, one week from tomorrow, the Iraqi people will cast their votes on a new, permanent Iraqi constitution, a social compact, which if ratified, will be unique in the history of the Arab Middle East.

Since the stunning January 30 elections, Iraqi leaders have worked tirelessly to draft this historic document.

Next Saturday, the Iraqi people will have the chance to formally express their support for this historic document.

Throughout the summer, we witnessed the complex and painstaking nature of the constitution drafting process. These negotiations included leaders from all of Iraq's ethnic and religious groups. The product is a result of patience, flexibility, and compromise.

As the President said yesterday in his televised speech, "By any standard or precedent of history, Iraq has made incredible political progress—from tyranny, to liberation, to national elections, to the writing of a constitution, in the space of 2½ years."

Indeed.

And they have made this progress under a hail of constant threats and violence from terrorist enemies within and without their borders.

American service men and women have sacrificed greatly to advance America's interests in Iraq, but many more Iraqis have been killed and injured in the pursuit of a free and democratic Iraq.

The draft permanent constitution lays a solid foundation for a stable and democratic Iraq in the heart of the Middle East. It establishes a true democratic system. The voice of all Iraqis will be heard. Human rights will be protected. The rule of law will be respected. And women will be full and equal participants.

It is critical that Iraqis from all walks of life and all segments of Iraq's diverse population participate in next week's referendum.

It is also important for Iraq's Sunni population to support this document and the democratic system of government that it establishes.

Sunni leaders have expressed strong reservations about several aspects of the constitution in recent weeks. Many will vote no; that is their right.

However, I believe that they also recognize the importance of participating in the referendum. Only through participation and integration into Iraq's new democratic system can Iraq's ethnic and religious groups ensure that their rights are secured and their interests are protected. They learned this hard lesson after avoiding the January vote. They will not make the same mistake again.

When several of my Senate colleagues and I met with Interim President Jalal Talabani last month, I was convinced that the Iraqi people recognize the magnitude of this moment.

And I am confident that when the time comes next week, they will once again show their courage and determination.

The enemy will try to intimidate and threaten them. But the Iraqi people are strong.

Eight and one-half million voters defied the killers last January, and Iraqis continue to volunteer for the Iraqi security forces, ready and willing to defend their new democracy. They do so

despite the fact that security forces are being targeted. They do so because they believe in the vision of a free and democratic Iraq.

I am confident that the Iraqi people will demonstrate this same fortitude in the referendum next Saturday.

And for those who vote against the constitution, they will have the chance to express themselves again in December when the Iraqis go to the polls to elect a permanent government.

In the meantime, the Iraqis also must undertake another momentous task.

On October 19, the Iraqi Special Tribunal will begin the trial of Saddam Hussein and some of his closest associates. The opening portion of the trial will focus on the 1982 killings of 143 Shiites in the village north of Baghdad. Saddam will also face charges of human rights abuses, crimes against humanity, and genocide.

In particular, Saddam Hussein will be required to finally answer for his use of chemical weapons against the civilian Kurdish population of Hallabja in 1988, and the violent suppression of mass uprisings following the Gulf War in 1991.

It will be a riveting sight to see the justice system in the hands of the Iraqi people. And to watch as they face down the man and his minions responsible for so many hideous and barbaric crimes.

I am confident that the Iraqi people will give their former oppressors a fair trial and that the guilty will be brought to justice.

Step by step, the Iraqi people are on the path to democracy. And with each step, the terrorists are dealt a devastating blow, and freedom shows once again its power to inspire and prevail.

The Senate stands shoulder-to-shoulder with the Iraqi people as they fulfill their democratic destiny. They deserve our deepest and most sincere support.

I look forward to watching with hope and admiration as they take to the polling booths once again to secure their future as a free and prosperous nation in the heart of the Middle East.

RETIREMENT OF TIM WINEMAN

Mr. FRIST. Mr. President, I would like to take a few minutes today to recognize Tim Wineman for his dedicated and invaluable service to the United States Senate as he prepares to go into retirement.

Tim has served the Senate with great distinction. During his 35 years here, he has worked in various positions within the Senate disbursing office. Tim began as a payroll clerk in 1970 and because of his hard work won numerous promotions. He works today as a financial clerk, one of the best the Secretary's office has been privileged to have. Tim is one of those individuals who come here to serve in the Secretary's office not to debate policy or make political statements, but out of a respect and love for the institution,

serving each and every Member with the utmost professionalism.

Our Senate community is privileged to have individuals with the talent and dedication that Tim Wineman has shown. He is the soul of discretion, always available to answer a question and provide wise counsel, and he loves the Senate with all his heart. This is no surprise, since Tim has been familiar with our Nation's capital and the work of the people that goes on here from his earliest days.

Tim was born and raised in this area. His father worked for DC Transit and his mother, Carolyn, worked for Sears and Roebuck. Tim attended Bethesda Chevy Chase High School, where he met his life-long partner and friend, his wife, Pat. They just celebrated their 36th anniversary in August. They are blessed with two children, Matthew and Lory.

Now that Tim is retiring from the Senate, the inevitable question arises: what will he do with his spare time? I have it on good authority that Tim is planning to get straight down to business. He mentioned that he plans to work on his golf game and spend time traveling with Pat. I have heard that Alaska is one of the top destinations on their list of places to visit. The first 6 months, however, he just wants to spend stress free.

In the Senate, we get so involved in the issues of the day, and as Members our days are long and busy. We often forget to pause for a moment and thank those who keep the trains running on time, and for 35 years Tim Wineman has been one of those loyal conductors.

We thank Timothy S. Wineman for his service, and we wish Tim and his wife, Pat, a happy and content retirement.

Mr. DODD. Mr. President, I rise today to speak on behalf of Timothy Wineman, who is retiring after 35 years of dedicated service to the Senate.

There are thousands of employees who work behind the scenes here in the Senate, who make it possible for the Members of this body to discharge the duties of their office. It is rare that these employees get the recognition they deserve.

One of the greatest and longest serving of those unsung heroes has been Tim Wineman, with whom I have had the honor of sharing these halls for the last 25 years. Over that period of time, both my wife Jackie and I have come to rely on his experience and counsel. We are both sad to see him go, but we know as well as anyone that he has certainly earned his retirement.

Tim was hired as a payroll clerk in the disbursing office on October 19, 1970, while my father still served in this Chamber. Six years later, Tim was promoted to payroll supervisor. Four years after that, he became the assistant financial clerk. And, in 1998, he was appointed the Financial Clerk of the United States Senate.

He has fulfilled his duties in all of those roles with efficiency, integrity,

and vision. When Tim began over 30 years ago, the Senate's financial services were still performed manually and recorded in pen and ink, without the aid of computers. Over the last three decades, through various leadership positions, Tim has overseen the technological renovation of the Disbursing Office, as it almost flawlessly shifted to cover a marked increase in staff and services.

The Senate Disbursing Office handles not only the payroll of Senators and staff, but also their retirement funds and life and health insurance. The workload is tremendous. Last year, the Disbursing Office also approved nearly 50,000 expense reimbursement vouchers, administered the oath to over 3,200 new Senate employees, and provided 36 training sessions to new office managers, among countless other responsibilities requiring attentiveness and precision.

Under Tim's leadership, these tasks have been carried out with the utmost professionalism. He has adeptly kept the Senate's financial house in order.

I thank Tim for his years of dedicated service to the Senate. He will be sorely missed. I also want to extend to him and Pat, his wife for as long as he has served the Senate, my best wishes as they begin this new phase in their lives.

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached letters from various foreign officials be printed in the RECORD. They have all sent their condolences for the Hurricane Katrina tragedy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE OF CANADA,
SPEAKER OF THE SENATE,
Ottawa, Canada, September 2, 2005.

Senator TED STEVENS,
President Pro Tempore of the Senate,
U.S. Senate, Washington, DC.

SENATOR STEVENS: On behalf of The Senate of Canada, I join all Canadians in expressing to you, your Senate colleagues, and fellow citizens our sympathy and condolences on your country's great loss.

As we learn more about the wide-spread devastation arising from Hurricane Katrina, it becomes increasingly difficult to fully comprehend the extent of the tragedy. Even so, we extend our thoughts and prayers to all the victims, their families and others hit by this terrible disaster. The numerous telephone calls I have been receiving from Canadians, urging us to be of whatever assistance we can to our American friends, shows how much this tragedy has touched Canadians personally. I assure you we will be supportive in every way we can, and are determined to work together to help both immediately and over the long term.

I wish you great strength both now and in the days ahead.

Sincerely,

DAN HAYS.

EMBASSY OF HUNGARY, SPEAKER OF
THE HUNGARIAN NATIONAL ASSEMBLY,

Budapest, September 5, 2005.

Hon. TED STEVENS,
President pro tempore of the Senate, Washington, DC.

EXCELLENCY: I was shocked to hear the news about the disaster caused by the hurricane Katrina. We are very well aware of the situation in which hundreds of thousands of people are in New Orleans. The human tribulation in such a huge mass makes us wordless and silent, and awake deep sorrow. The Hungarian public has been turning in these days with deep sympathy to the people in New Orleans.

From my part, Your Excellency, please accept my deepest sympathy in your bereavement. On behalf of the National Assembly of Hungary I would also like to offer my condolences to the relatives and families of the victims. In the meantime I would like to let you know that you can count on our support, the Hungarian team of rescue is already on the venue to give aid and assistance to the people in need, and to fight shoulder to shoulder with your authorities.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Yours sincerely,

DR. KATALIN SZILI.

PRIME MINISTER,
Jerusalem, Israel, September 1, 2005.

MR. GEORGE W. BUSH,
President, The United States of America, Washington, DC.

DEAR MR. PRESIDENT: On behalf of my Government and the people of Israel, I wish to express my sincerest condolences on the horrible tragedy that has befallen the United States, especially the people of Louisiana, Mississippi and Alabama, in the wake of Hurricane Katrina.

I would like to offer Israel's assistance in volunteering our medical teams which include hundreds of doctors, nurses, technicians and other experts that specialize in trauma, natural disasters and public health. We also offer field hospitals, medical kits and equipment for temporary housing, re-enforcement for hospitals, or any other assistance that you may require. I was informed by my security establishment that these teams and equipment can be ready in 24 hours.

During these difficult times, we, the people of Israel, stand firmly by your side in a show of solidarity and friendship.

Sincerely,

ARIEL SHARON.

AUGUST 30, 2005.

Hon. Secretary CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY RICE: Please allow me to express my condolences to you and to the people of the United States of America, on the loss of life and the terrible pain and destruction caused by Hurricane Katerina.

May the families of the victims find peace and comfort.

As we all stand in awe at the great force of nature unleashed on the shores of the United States, please rest assured that the people of Israel share your sorrow and extend our hand in comfort and friendship. We also stand ready to assist in any way possible.

Yours sincerely,

SILVAN SHALOM.

A PRAYER FOR THE VICTIMS OF HURRICANE
KATRINA

(By Chief Israeli Rabbi, Yona Metzger)

"Our Heavenly Father, Founder of the world and Creator of the universe, compassionate and merciful God, please spare and show compassion to Your creatures and the world You have created, and especially the inhabitants of the states among the Gulf of Mexico in the United States. Save them from every calamity, from the winds of storm and hurricane, from the waters of the sea, and from every sorrow and evil, and send deliverance and redemption to all those who call upon Thy Name. Save them from the floodwaters and rescue them from the abyss, lead them to a place of safety, and do not abandon them, and in Your abundant mercy send them redemption in the measure of their loss, and complete healing to the sick and those in pain, and comfort to their souls and spirit. May all the inhabitants of the Earth know and recognize that You are the Supreme King, who rules the powers of the universe and shows mercy to His creatures, who praise Your great Name, amen."

INTER-PARLIAMENTARY UNION,
Geneva, Switzerland.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

Hon. TED STEVENS,
Senate President Pro Tempore, U.S. Congress, Washington, DC.

DEAR MR. SPEAKER, DEAR MR. PRESIDENT: In the wake of Hurricane Katrina which has lashed the gulf states of the United States, leaving a trail of destruction and causing the loss of so many lives, we wish to express to the United States Congress and the people of the United States of America the solidarity and heartfelt sympathy of the Inter-Parliamentary Union. Our deepest condolences go to the relatives of those who have lost their lives in one of the most devastating storms in your country's history.

High Consideration,

SERGIO PAEZ VERDUGO,
President of the Inter-Parliamentary Union

ANDERS B. JOHNSON,
Secretary General of the Inter-Parliamentary Union.

NATIONAL ASSEMBLY,
State of Kuwait.

Hon. TED STEVENS (pro tempore),
Speaker of the Senate, Washington, DC.

DEAR MR. SPEAKER: We have been devastated by the news of the natural disaster (Hurricane Katrina) which hit a number of states in the Mexican Gulf south of the U.S.A and resulted in the death of several innocent people and the loss of others, in addition to the destruction of properties.

On behalf of my colleagues members of the National Assembly of Kuwait and myself, I would like to express my deepest condolences to your Excellency and the friendly people of the U.S.A. and the families of the victims.

I wish your country peace, stability, security, and prosperity.

Please accept the assurances of my highest considerations.

Best regards,

JASSIM MOHAMMAD AL-KHARAFI.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2005 budget through September 30, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95.

The estimates show that current level spending is over the budget resolution by \$3.145 billion in budget authority and over the budget resolution by \$101 million in outlays in 2005. Current level for revenues is \$447 million above the budget resolution in 2005.

Since my last report for fiscal year 2005 dated September 29, 2005, the Congress has taken no action that has changed budget authority, outlays, or revenues. This is my final report for fiscal year 2005.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through September 30, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter, dated September 26, 2005, the Congress has taken no action that has changed budget authority, outlays, or revenues. This is my final report for fiscal year 2005.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 30, 2005

[In billions of dollars]

	Budget resolution ¹	Current level ²	Current level over/under (—) resolution
On-budget:			
Budget Authority	1,996.6	1,999.7	3.1
Outlays	2,023.9	2,024.0	0.1
Revenues	1,483.7	1,484.1	0.4
Off-budget:			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

Note: * = less than \$50 million.

¹ H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of \$81.8 billion in budget authority and \$32.1 billion in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

² Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 30, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions: ¹			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	–415,912	–415,912	n.a.
Total, enacted in previous sessions	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109–35)	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109–37)	5	0	0
Surface Transportation Extension Act of 2005, Part V (P.L. 109–40)	2	0	0
Energy Policy Act of 2005 (P.L. 109–58)	0	0	40
Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	1,562	8	0
TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68)	5,067	0	0
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) ²	–1,058	4	41
Interior Appropriations Act, 2006 (P.L. 109–54)	1,500	120	0
Total, enacted this session	7,193	177	81
Total Current Level ^{2,3}	1,999,720	2,023,986	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements ⁴	–81,881	–32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	3,145	101	447
Current Level Under Adjusted Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

¹ The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

² Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes: \$83,140 million in budget authority and \$33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); \$10,500 million in budget authority and \$1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); \$51,800 million in budget authority and \$125 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62); and \$94 million in budget authority from the TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68).

³ Excludes administrative expenses of the Social Security Administration, which are off-budget.

⁴ H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of \$81,811 million in budget authority and \$32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Source: Congressional Budget Office.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 23 young Americans who have been killed in Iraq since July 29. This brings to 457 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

SGT Milton M. Monzon, Jr., age 21, died on July 24 in Baghdad where an improvised explosive device detonated near his Bradley fighting vehicle. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from Los Angeles, CA.

PFC Ramon A. Villatoro, Jr., age 19 died on July 24 in Baghdad where an improvised explosive device detonated near his Bradley fighting vehicle. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from Bakersfield, CA.

PVT Ernesto R. Guerra, age 20, died on July 29 in Baghdad of injuries sus-

tained on July 28 when his humvee was involved in an accident. He was assigned to the Army's 4-3rd Brigade Troops Battalion, 3rd Infantry Division, Fort Stewart, GA. He was from Long Beach, CA.

Petty Officer 1st Class Thomas C. Hull, age 41, died August 2 on board the aircraft carrier USS Nimitz in the Arabian Gulf after being medically evacuated to the carrier for a noncombat related incident. He was an operations specialist assigned to the USS Princeton, homeported in San Diego, CA.

LCpl Adam J. Strain, age 20, died August 2 as a result of enemy small-arms fire while conducting combat operations in Ar Ramadi. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Smartsville, CA.

SSG Ramon E. Gonzales Cordova, age 30, died August 8 as a result of enemy small-arms fire while conducting com-

bat operations in Ar Ramadi. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Evenor C. Herrera, age 22, died August 10 from wounds received from the detonation of an improvised explosive device while conducting combat operations near Ar Ramadi. He was assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Brian K. Derks, age 21, died on August 13 in Baghdad when an improvised explosive device detonated while he was on mounted patrol. He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

SGT Nathan K. Bouchard, age 24, died on August 18 in Samarra, Iraq when an improvised explosive device detonated near his Humvee following a

mine assessing mission. He was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Wildomar, CA.

SPC Ray M. Fuhrmann, II, age 28, died on August 18 in Samarra, Iraq, when an improvised explosive device detonated near his Humvee following a mine assessing mission. He was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Novato, CA.

SGT Joseph C. Nurre, age 22, died on August 21 near Samarra, Iraq when an improvised explosive device detonated near his M916 tractor during convoy operations. He was assigned to the Reserve's 463rd Engineer Battalion, Weirton, WV. He was from Wilton, CA.

PFC Ramon Romero, age 19, died August 22 when the vehicle he was in was struck by an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Huntington Park, CA.

Cpl Timothy M. Shea, age 22, died August 25 in Husaybah, Iraq of injuries sustained when an improvised explosive device detonated near his position. He was assigned to the Army's 3rd Battalion, 75th Ranger Regiment, Fort Benning, GA. He was from Sonoma, CA.

Seaman Apprentice Robert D. Macrum, age 22, was reported missing on September 13 after failing to report to muster formation. It was concluded that he fell overboard and search and rescue attempts were unsuccessful. He was assigned to the USS Princeton, currently deployed to the Arabian Gulf conducting maritime security operations as part of the Nimitz Carrier Strike Group. The USS Princeton is homeported in San Diego, CA.

LCpl Shane C. Swanberg, age 24, died September 15 from an explosion resulting from indirect fire at Forward Operation Base, Camp Ramadi, Iraq. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. As Part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SGT Alfredo B. Silva, age 35, died on September 15 in Baghdad when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 40th Infantry Division, Modesto, CA. He was from Calexico, CA.

SPC Mike T. Sonoda, Jr., age 34, died on September 22 in Baghdad of injuries sustained on September 21 when an improvised explosive device detonated near his military vehicle. He was assigned to D Company, 1st Battalion, 184th Infantry Regiment, 29th Infantry Brigade, Army National Guard,

Oakdale CA. He was from Fallbrook, CA.

SGT Paul C. Neubauer, age 40, died on September 23 of injuries sustained in Baghdad when an improvised explosive device detonated and his patrol came under small-arms fire. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 3rd Infantry Division, Oakdale, CA. He was from Oceanside, CA.

SSG Daniel R. Scheile, age 37, died on September 24 of injuries sustained in Baghdad on September 23 when an improvised explosive device detonated and his patrol came under small-arms fire. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 3rd Infantry Division, Oakdale, CA. He was from Antioch, CA.

SGT Brian E. Dunlap, age 34, died September 24 from an improvised explosive device while conducting combat operations against enemy forces in Taqaddum, Iraq. He was assigned to the Marine Forces Reserve's 2nd Battalion, 23rd Marine Regiment, 4th Marine Division, Los Alamitos, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Vista, CA.

PVT Elijah M. Ortega, age 19, died September 26 as the result of a non-hostile gunshot wound at Camp Baharia, Iraq. He was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, Camp Lejeune, NC. He was from Oxnard, CA.

SPC Joshua J. Kynoch, age 23, died on October 1 in Baiji, Iraq when an improvised explosive device detonated near his Bradley Fighting Vehicle during convoy operations. He was assigned to the 2nd Battalion, 7th Infantry Regiment, 3rd Infantry Division, Fort Stewart, GA. He was from Santa Rosa, CA.

PFC Andrew D. Bedard, age 19, died October 4 from an improvised explosive device while conducting combat operations against enemy forces in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Mr. President, 457 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since July 29.

GySgt Theodore Clark, Jr., age 31, died August 4 when the vehicle he was in was struck by an improvised explosive device while conducting combat operations near Gardez, Afghanistan. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

PVT Christopher L. Palmer, age 22, died on August 21 near Baylough, Afghanistan when an improvised explosive device detonated near his Humvee

during patrol operations. He was assigned to the 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade, Vicenza, Italy. He was from Sacramento, CA.

Mr. President, 32 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

MONTANA'S PATRIOTS

Mr. BURNS. Mr. President, this week, I learned of another young person from Montana who had been killed in Iraq. PFC Andrew Bedard was only 19 and died Monday when the Humvee he was driving hit a roadside bomb.

Andrew Bedard was from Missoula and a 2004 graduate of Hellgate High School. He joined the Marine Corps shortly after graduation and had only finished basic training earlier this year in San Diego. He had been in Iraq for close to only one month, when his life ended because of another improvised explosive device, or "IED" while conducting combat operations against enemy forces in the Al Anbar province. The military had recently launched a new offensive against insurgents in western Iraq.

Those who knew him best describe Andrew as a personable, positive guy who was friends with most people he ran into and cared a great deal about his family and friends. I actually met Andrew a few years ago when he and I were involved in a fender bender in Missoula. He was courteous and respectful, and I can say that he was a fine young man.

Like me, Andrew was in the U.S. Marine Corps. If they can find solace in anything, his loved ones must know that his country is proud of his honorable service in upholding the freedoms and ideals which make this country great.

My heart and prayers go out to the Bedard family, as well as the loved ones of all others lost in this War on Terror. Private First Class Bedard, unfortunately, was the 13th man with Montana ties to die in Iraq or Afghanistan since 2001. Other Montanans who have been killed in combat in Operation Enduring Freedom/Iraqi Freedom are:

SPC Travis Arndt of Great Falls was the 12th man with Montana ties to lose his life in Iraq or Afghanistan.

Marine LCpl Nicholas Bloem of Bozeman was killed in Iraq on Aug. 3, the day after his 20th birthday, when a roadside bomb was exploded under his amphibious assault vehicle. He was one of 14 Marines killed from the Ohio-based 3rd Battalion, 25th Marine Division.

Marine Cpl Raleigh Smith, 21, of Troy was killed two days before Christmas 2004 by enemy fire in Fallujah, Iraq.

Marine LCpl Nathan R. Wood, 19, a Great Falls native who has moved to

Kirkland, WA. He was killed Nov. 19, 2004, as a result of enemy action in Al Anbar Province, Iraq.

Army SSG Aaron N. Holleyman, 26, of Glasgow was killed Aug. 30, 2004, in Khutayiah, Iraq, when his military vehicle hit an improvised explosive device.

Marine LCpl Kane M. Funke, 20, who attended high school in Kalispell before moving to Vancouver, WA. He was killed Aug. 13, 2004, as a result of enemy action in Al Anbar Province, Iraq.

Marine Cpl Dean P. Pratt, 22, of Stevensville, who died Aug. 2, 2004, also as a result of enemy action in Al Anbar Province.

Army PFC Owen D. Witt, 20, of Sand Springs was killed May 24, 2004, in Ad Dawr, Iraq, when his armored high-mobility-multipurpose-wheeled vehicle rolled over.

Army Reserve 1 LT Edward M. Saltz, 27, of Bigfork was killed Dec. 22, 2003, in Baghdad when the convoy in which he was riding was hit by an improvised explosive device.

Army Ranger PFC Kristofer T. Stonesifer, 28, of Missoula was killed Oct. 21, 2001, in a Blackhawk helicopter crash in Pakistan as a part of Operation Enduring Freedom.

Army 1 LT Josh Hyland, a Missoula soldier who enlisted in ROTC at the University of Montana on Sept. 12, 2001, was one of four Americans killed in Afghanistan when a bomb detonated underneath a wooden bridge they were passing over.

This old Marine was lucky to come home from service in Korea. These brave souls for whatever reason were not. I thank them for what they did to protect my family and others across this country and around the world. They did not die in vain and will not be forgotten. We, as a nation, mourn the loss of every soldier, sailor, airman, and marine.

HONORING OUR ARMED FORCES

TRIBUTE TO WARRANT OFFICER ADRIAN B. STUMP AND SERGEANT TANE TRAVIS BAUM

Mr. SMITH. Mr. President, the Bible tells us that "Greater love than this has no man than to lay down his life for his friends." I rise this morning to pay tribute to two American heroes from my home town of Pendleton, OR, who made the ultimate sacrifice by laying down their lives for their friends, their country, and the cause of freedom.

WO Adrian B. Stump and SGT Tane Travis Baum were two of five soldiers who were lost in the crash of a CH-47 Chinook helicopter as it was returning from an ongoing operation in southern Afghanistan.

Warrant Officer Stump was 22 years of age. He was the son of Jerry and Anne Stump, who instilled in Adrian the values of hard work, honesty, and integrity. He was a graduate of Pendleton High School, and he was well known in my community for being an

outstanding young man, who always had a smile on his face. Like many east Oregonians, he loved the outdoors and could often be found hiking, fishing, and camping.

Adrian always dreamed of flying helicopters. And after he graduated from high school, there was no question of what he wanted to do. He wanted to serve his country. Indeed, he recently expressed to a friend of mine how great it was to be able to wake up in the morning and do what one loves to do.

SGT Tane Travis Baum was 30 years old. He was married to his high school sweetheart, Tina, and they were the parents of two beautiful children, Caelan and Dyllon. Sergeant Baum also loved the outdoors and flying helicopters. While it was difficult for Sergeant Baum to leave his family behind to serve his country, he carried out his duty like the true hero he was.

The author Herman Wouk once wrote:

Heroes are not supermen. They are good men, and embodied by the cast of destiny, the virtue of a whole people in a great hour If America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night.

As of today, Warrant Officer Stump, Sergeant Baum and more than 50 Oregonians have lost their lives keeping the promise of liberty to millions, the promise our forefathers first made and the charge that is ours to keep. They stood guard in the night and have earned the gratitude of our Nation.

LIEUTENANT COMMANDER THOMAS E. BLAKE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Navy Pilot LCDR Thomas E. Blake of Spencer, NE.

Lieutenant Commander Blake was a selfless and honorable man whose commitment and service to his country were exemplary. As a 1990 graduate of Spencer-Naper High School, Blake went on to earn a bachelor's degree from the University of Nebraska-Lincoln in 1994. Blake was an 11-year veteran of the Navy, and had been stationed at Sea Control Squadron 32, based at Jacksonville, Florida for the past 6 months.

On September 21, 2005, LCDR Thomas Blake died at the age of 33 when an S-3B Viking jet crashed near Jacksonville Naval Air Station, killing Blake and LCDR Scoot Bracher of Malverne, NY. Blake was the naval flight officer and mission commander on the flight.

Lieutenant Commander Blake is survived by his wife Jessica, a native of Gretna, NE. Thomas and Jessica are the parents of a 2-year-old son, and Jessica is expecting their second child soon. I would like to offer my sincere condolences and prayers to the family and friends of Lieutenant Commander Blake. His noble service to the United States of America is to be respected and remembered by all. Every Amer-

ican and all Nebraskans should be proud of the service of brave military personnel such as LCDR Thomas E. Blake.

STATEMENT ON BURMA

Mr. MCCONNELL. Mr. President, many of us who closely follow the struggle for freedom in Burma have, over the years, repeatedly called upon the U.N. Security Council to discuss and debate the dire situation in that country that poses an immediate danger to the Burmese people and the entire region.

Our collective efforts may finally be gaining steam thanks to a report commissioned by former Czech President Vaclav Havel and retired South African Archbishop Desmond Tutu that in painstaking detail makes the case that the situation in Burma has the same factors that triggered Security Council consideration of tragedies in Rwanda, Haiti, Sierra Leone, Afghanistan, Cambodia, Liberia, and Yemen.

I encourage my colleagues to read last Friday's Washington Post editorial entitled "A Plan to Free Burma," which highlights the Havel-Tutu report and the need for U.N. action on Burma. While I agree that the administration can and should do more to support a Burma initiative at the United Nations, I am confident that as a stalwart friend of freedom, Ambassador Bolton will make this a priority for himself and his staff. I encourage Secretary Rice to continue to make this effort a priority, as well.

Let me close with a brief word urging the United Kingdom to find its voice on Burma at the United Nations. Given Britain's history with that Southeast Asian country, Prime Minister Blair and senior officials at the Foreign Office should keep in mind that Burma's myriad problems—including humanitarian crises—are political in nature and require a political solution that involves the active participation of the National League for Democracy and ethnic minorities. Let us not forget that this is a country where the Global Fund to Fight AIDS, Tuberculosis and Malaria had to terminate its grants because of the obstructionist policies of the SDPC.

I am reminded that this year marks the 60th anniversary of the Burma Campaign of World War II, the longest British battle of that war. I hope our allies across the Atlantic will continue to show the same grit and determination in supporting freedom in Burma today as they did last century.

RESPECTING GUN LAWS IN DC

Mr. LEVIN. Mr. President, we owe it not only to the people who live and work in Washington, DC and the millions who visit, but to all Americans to do what we can to prevent gun violence in our nation's capital. It is important that we also respect the wishes of DC residents as they work to address the

problems of gun violence in their own communities. Unfortunately, legislation introduced earlier this year would undermine both of these objectives.

Among other things, the misnamed District of Columbia Personal Protection Act would repeal local laws in Washington, DC that ban the sale and possession of unregistered firearms, require firearm registration, impose common sense safe storage requirements, and ban semiautomatic weapons.

Elected officials and community leaders throughout Washington, DC, have made clear their opposition to this bill and any other attempt to roll back Washington's local gun safety laws. In recent months, many groups around the country working to end gun violence have also expressed strong opposition to the proposed repeal of local gun safety laws in Washington, DC. In July, 44 national, state, and local organizations issued an open letter to Congress opposing the so called District of Columbia Personal Protection Act. Among the groups who signed the letter were the United States Conference of Mayors, the National Association for the Advancement of Colored People, the National Black Police Association, Physicians for Social Responsibility, the Brady Campaign to Prevent Gun Violence, and the Coalition to Stop Gun Violence. Their letter said:

The citizens of the District of Columbia should have the power to decide by democratic means whether and how firearms are regulated in the city where they live. DC's current gun laws were passed almost 30 years ago by an elected city council, and these laws continue to enjoy broad support among business executives, law enforcement officials, health care professionals, civic organizations, and ordinary citizens. When legislation to repeal DC's gun laws was introduced last year, it generated widespread opposition—and attracted virtually no support—among DC residents.

While this bill has not yet been considered in the Senate, the citizens of Washington, DC, continue to face attempts to roll back their local gun safety laws. During consideration of the fiscal year 2006 District of Columbia appropriations bill, the House of Representatives adopted an amendment strongly supported by the National Rifle Association which would prohibit funds in the bill from being used to enforce a local requirement that District residents keep their firearms unloaded and disassembled or bound by a trigger lock in their homes. Fortunately, the current Senate version of the bill does not include a similar provision and I am hopeful the House-passed language will not become law.

The Senate should respect the will of the people of Washington, DC, with regard to local gun safety laws. I hope the Senate will focus its efforts on legislation that will help make communities across our Nation safer, not on steps which would make our Nation's Capital less safe.

I ask unanimous consent that the above-mentioned letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 15, 2005.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing to express our strong opposition to S. 1082, a bill that would strip the District of Columbia's voters and elected officials of the power to pass gun laws.

The citizens of the District of Columbia should have the power to decide by democratic means whether and how firearms are regulated in the city where they live. DC's current gun laws were passed almost 30 years ago by an elected city council, and these laws continue to enjoy broad support among business executives, law enforcement officials, health care professionals, civic organizations, and ordinary citizens. When legislation to repeal DC's gun laws was introduced last year, it generated widespread opposition—and attracted virtually no support—among DC residents.

DC has made great strides in recent years, both in reducing violent crime and in encouraging people to establish businesses, buy homes, and build their lives in the city. The city's finances are in order (it has an "A" rating from bond analysts), the homicide rate is down (by 55 percent over the past ten years), and commercial as well as residential real estate markets are booming.

The city has many challenges ahead, but its citizens and political leaders are working to build consensus and solve problems like any other municipality in the country through vigorous debate, hard work, and participation in democratic political institutions. While some members of Congress might have different ideas about what's good for the city, we believe the choices made by DC citizens and their elected representatives in local government should be entitled to respect.

The debate over S. 1082 is about democracy, not the Second Amendment. By denying the citizens of DC—who have no representation in Congress—the right to decide how best to protect public safety and reduce violent crime, this bill would violate basic American values, and we urge you to reject it.

Sincerely,

Alliance for Justice, Americans for Democratic Action, American Jewish Committee, Anti-Defamation League, Brady Campaign to Prevent Gun Violence, Break the Cycle Washington, DC, CeaseFire Maryland, Ceasefire NJ, Ceasefire PA, and Children's Defense Fund;

Coalition to Stop Gun Violence, Common Cause, Consumer Federation of America, DC Action for Children, DC Democracy Fund, DC Vote, The Episcopal Church, USA, Episcopal Diocese of Washington, Florida Coalition to Stop Gun Violence, and Florida Consumer Action Network;

Hoosiers Concerned About Gun Violence, Illinois Council Against Handgun Violence, Iowans for the Prevention of Gun Violence, Jewish Women International, The League of Women Voters of the United States, Legal Community Against Violence, and Maine Citizens Against Handgun Violence;

Michigan Partnership to Prevent Gun Violence, National Association for the Advancement of Colored People (NAACP), National Black Police Association, National Council of Jewish Women (NCJW), New Yorkers Against Gun Violence, and North Carolinians Against Gun Violence Education Fund;

Ohio Coalition Against Gun Violence, Oregon Consumer League, Physicians for So-

cial Responsibility, Saferworld, States United to Prevent Gun Violence, and United Church of Christ, Justice and Witness Ministries;

Unitarian Universalist Association of Congregations, United States Conference of Mayors, Virginians Against Handgun Violence, Wisconsin Anti-Violence Effort, and Women Against Gun Violence (California).

VOTE EXPLANATION

Mr. HATCH. Mr. President, I rise today to inform my colleagues as to why I missed voting on the motion to table Senator COBURN's amendment No. 2005 to the Department of Defense Appropriations Act, 2006. At the time the vote occurred, I was attending the funeral of a longtime employee and friend, Shawn Bentley.

Should I have been present, I would have voted in favor of tabling the amendment, which would not have changed the outcome of the vote.

GI EDUCATIONAL BENEFITS

Mr. KERRY. Mr. President, the original G.I. bill in 1944 made a sacred bargain: honor our troops for their sacrifice, and keep faith with our veterans by helping them readjust to civilian life. Historically, G.I. bill educational benefits have risen and fallen—at times covering over 100 percent of the cost of tuition, books, supplies and other educational costs. And we know how valuable its benefits have become in recruiting the world's finest military.

But each year, the G.I. bill covers a little bit less of the cost of education in this country. It's a cruel mathematical calculation—the cost of a university education is growing faster than the benefits provided by the G.I. bill. Our troops in Iraq, Afghanistan and around the world fight just as hard and sacrifice just as much as any in American history. Yet the G.I. bill—this great act of gratitude that transformed America 60 years ago—has not kept pace. Today, our troops return home to a G.I. bill that covers only 63 percent of the average price of a 4-year public secondary education. The result is veterans struggling to afford the education they were promised and have earned.

The U.S. Congress should never break promises to our veterans—like 28-year-old Jeff Memmer. As a member of the U.S. Navy, Jeff served two deployments in the Persian Gulf between 1996 and 2002. When he came home, he had to take out tens of thousands of dollars in emergency loans and work part time as a bartender to get through school because costs kept outpacing benefits. He said, "When I started putting a plan together in 1999, the benefit would have covered two-thirds of my tuition and costs. By the time I got to college, the tuition had increased so much it only covered half, and by the time I graduated it was only covering a third of my expenses." We are not proposing that veterans live in luxury while they earn their degrees. But clearly, it shouldn't be this hard.

Take the case of Eric VonEuw, a veteran of 4 years with the airborne infantry. Even with G.I. bill benefits, he is working part time to make ends meet and cover the cost of his community college. If he is able to finish at UC Davis, his benefits won't cover half his bills.

Today's military looks a lot different from the military I served in during the Vietnam war. Today, almost 60 percent of enlisted men and women are married. These veterans are faced with a choice: to borrow for their education or to take care of their families now.

The amendment I offered on the Defense appropriations bill, cosponsored by Senator ENSIGN, would have required a report on G.I. bill educational benefits—who uses them, how they are used, and how they can be improved. The report would have included cost estimates to help us assess various options for increasing the value of the education benefits so they cover more, if not all, of the costs of a 4-year public education.

In the course of preparing this amendment, Senator ENSIGN and I were invited to work with the Veterans' Affairs Committee to accomplish the same thing. We hope this approach will be successful and will therefore not bring our amendment to a vote.

This is the start of an effort to improve G.I. bill educational benefits. It is not just the right thing to do; it is critical to our national security. We all know that this is the most challenging recruiting environment in the history of the All-Volunteer military. In a 2004 survey, servicemembers reported that the G.I. bill is the number one reason they choose to enlist in the military. We must make sure that we understand how those benefits are being used and what the alternatives are to improve them.

I ask unanimous consent that the text of the letter I sent with Senator ENSIGN to the Veterans' Affairs Committee, which was mentioned above, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 5, 2005.

Senator LARRY CRAIG,

Chairman,

Senator DANIEL AKAKA,

Ranking Member, Senate Committee on Veterans' Affairs, Russell Senate Office Building, Washington, DC.

Representative STEVEN BUYER,

Chairman,

Representative LANE EVANS,

Ranking Member, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR SENATOR CRAIG, SENATOR AKAKA, CONGRESSMAN BUYER, AND CONGRESSMAN EVANS: As you continue negotiations on The Veterans' Benefits Improvement Act of 2005, S1235, and its companion bills in the House, we write to draw your attention to 38 USC, Section 3036, which required a biannual report from the Secretary of Defense on the use and adequacy of readjustment and educational benefits for veterans. As of January 2005, no additional reports are required by this section.

We believe receiving this report remains vital today. This country is at war. American forces are serving heroically around the world, in Iraq, Afghanistan, and elsewhere. The men and women of our armed forces serve for many reasons. Undoubtedly, all serve with a sense of patriotism and duty to country. But there are other important reasons a young American chooses the military, and as recently as 2004 a survey indicated that educational benefits are the primary reason soldiers cite for their decision to enlist.

It is no secret that we are today in the midst of the most challenging recruiting environment our all-volunteer military has ever faced. The Army officially fell short of its FY2005 recruiting goals, delaying the expansion of the active-duty Army. It is essential that we continue to receive periodic updates from the Secretary of Defense on the value of education benefits to new recruits, how these benefits are used by veterans, and recommendations about how the benefits can be improved.

Accordingly, we ask you to reauthorize 38 USC Section 3036, with the minor modification of the first issuance of the report being required within six months of enactment of this bill. We also ask that you consider an additional modification to require that the first report include the attached provisions from an amendment we offered on the Defense Authorization bill to provide a more accurate estimate of the costs of various proposals to increase GI Bill benefits.

We appreciate your continued leadership on this issue.

Sincerely,

JOHN KERRY.

JOHN ENSIGN.

VIOLENCE AGAINST WOMEN ACT

Mrs. CLINTON. Mr. President, I rise today to applaud my Senate colleagues for unanimously passing legislation to protect American women from domestic violence.

The Violence Against Women Act expired this past Saturday, October 1. I cosponsored the renewal of this vital legislation because it strengthens Federal and State efforts to prevent domestic violence and assist victims of domestic violence. It focuses resources and attention on some of the most vulnerable women in our society—women who too often suffer in silence.

I am so pleased that by passing this bill the Senate has reaffirmed its commitment to helping women, men, and children prevent and cope with domestic abuse.

The Violence Against Women Act responds to an ongoing crisis within many American families. Too many of our grandmothers, mothers, and daughters, and too many of our grandfathers, fathers, and sons are abused at home by a partner or family member. Every day in America some women and men, some elderly, are beaten, have objects thrown at them, suffer emotional and verbal abuse. Teenagers suffer abusive dating relationships. Many victims of domestic violence feel trapped and need support and assistance to leave their abusers and start violence-free lives.

The image of a severely battered woman spurs many of us to stop do-

mestic violence, but what is also disturbing is the prevalence of domestic violence. Domestic abuse is the common cold of violence. According to the Journal of the American Medical Women's Association, nearly one in every three women will experience a physical assault by a romantic partner. And of this group, one in three will experience a severe physical assault. Every day more than three women in this country are murdered by their husbands and boyfriends. Children also suffer. Half of women who report rape are under the age of 18. Shockingly, 22 percent are under the age of 12. And I know that violence against the elderly is a serious and growing problem.

For the past decade, the Violence Against Women Act has provided crucial aid to women, men, and children experiencing violence. Between 1994 and 2000, Congress distributed over \$3.8 billion to States and local communities to train and support police, lawyers, judges, nurses, shelter directors and advocates to end domestic violence and sexual assault. Our efforts contributed to almost a 50 percent drop in domestic violence.

The Violence Against Women Act of 2005 renews several successful programs and provides funding for training, education and outreach to protect women. It encourages collaboration among law enforcement, the courts, and public and private services providers to victims of domestic and sexual violence. It stiffens criminal penalties for repeat Federal domestic violence offenders, and updates the criminal law on stalking to incorporate new surveillance technology like global positioning systems. It incorporates prevention strategies targeted at men and boys. And it strengthens rape crisis centers and the health care system's response to family violence.

The bill also addresses the special needs of victims who are elderly, disabled, children, immigrants, residents of rural communities, and members of ethnic and racial communities. It provides emergency leave and long-term transitional housing for victims.

The Violence Against Women Act of 2005 will save lives. It also will save money. A 2002 university study found that money spent to reduce domestic violence saved nearly ten times the potential costs incurred between 1995 and 2000 for medical, legal, and other victimization costs. On an individual level, the bill costs roughly \$15.50 per woman in the United States and saves an estimated \$159 per woman.

Despite the funding provided by the Violence Against Women Act, I believe that reducing the scale and alleviating the human toll of domestic violence requires stronger Federal support. In my own State of New York, in Albany, an award-winning organization dedicated to providing legal assistance to victims of domestic violence and sexual assault faces the possibility of shutting down. Just this past September, the Department of Justice informed the group,

The Capital District Women's Bar Association Legal Project, that its application for continued funding had been denied. The Department of Justice has supported the CDWBA Legal Project's efforts on behalf of battered women for nearly a decade. With this financial assistance, the group has provided critical services for more than 4,000 poor, battered women and their children since 1996. The program has been so successful that the United States Office of Justice Programs identified it in 2003 as a "best practices program" as a model for communities striving to better serve and protect victims of domestic violence and sexual assault. Yet this program and, Director Lisa Frisch told me, other programs like it, are losing their funding and ability to prevent abuse and assist victims.

We critically need to provide this funding—to stop domestic violence, and aid its victims.

Domestic abuse is an ongoing crisis for many American families. It is the common cold of violence for Americans today. But working together, as Federal, State, and local officials, as governmental and nongovernmental organizations, as individuals, we can reduce the severity and the prevalence of domestic violence. We can protect the most vulnerable members of our society: women, the elderly, children. I applaud Senators BIDEN, HATCH, and SPECTER who introduced the Violence Against Women Act of 2005 in June, and the nearly 60 Senators who cosponsored the legislation. Members on both sides of the aisle. Their hard work helps to strengthen American families.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 7, 2003, in Largo, FL, Reshae McCauley, a 30-year-old transgender person, visited Z109, a local club. The following evening Reshae's body was discovered near her home where she had died of severe upper body trauma. According to police, the apparent motivation for the attack was her sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL LATINO AIDS AWARENESS

Mr. OBAMA. Mr. President, even as our Nation faces new public health challenges, it is crucial that we not lose sight of a devastating disease that has remained a challenge for decades: the HIV/AIDS epidemic. Over the past two decades, the Nation has witnessed tremendous strides in the diagnosis and treatment of this disease, and overall, affected individuals are living longer and in better health. Yet approximately 40,000 Americans are still infected every year, half of whom are under the age of 25, and over 1 million Americans are living with this disease. My own State of Illinois ranks sixth in the Nation for HIV/AIDS, and our health officials and experts continue to work diligently to reduce the number of newly infected, as well as provide high quality care to those who are infected.

As with so many diseases, HIV/AIDS has had a disproportionate impact on the Latino community. While representing only 14 percent of the U.S. population, Latinos comprise 20 percent of the population affected by HIV/AIDS. However, unlike every other racial and ethnic group, the number of estimated deaths among Latinos with AIDS is actually increasing—a 17 percent growth between 1999 and 2003.

As the largest and fastest growing ethnic minority group in the U.S., it is imperative that HIV/AIDS prevention and treatment in the Latino community remain a top priority for our Nation.

I am proud to join Representative HILDA SOLIS, Chair of the Congressional Hispanic Caucus' Task Force on Health, and other members of the Congressional Hispanic Caucus and Congressional Black Caucus, in recognizing October 15 as National Latino AIDS Awareness Day. On this day, we renew our commitment to ending the spread of HIV and ensuring quality of life to those with HIV regardless of their country of origin or immigration status. We do this whether we are Latino, African American, Asian, Caucasian or Native American. Although we all belong to separate communities, it is important that we stand as one community in the fight against this disease that is rapidly targeting populations of color.

The numbers are growing and so should our national attention towards the issue. The reauthorization of the Ryan White CARE Act is an example of how our Nation can help. It is also critical to increase funding for the Minority AIDS Initiative, MAI, which addresses the disproportionate impact of HIV/AIDS on people of color by allocating specific funds for programs under the Ryan White CARE Act. Programs like Ryan White provide our most vulnerable populations, such as HIV/AIDS-stricken Latinos, with a chance for quality health care and a brighter future.

On October 15 and every other day of the year, I encourage all of us to join

in the fight against HIV and AIDS. We cannot become complacent. The need is great, and the time to act is overdue.

NOMINATION OF WAN J. KIM

Mr. CORZINE. Mr. President, it is with great pleasure and admiration that I support the nomination of Wan J. Kim, of my home State of New Jersey, to be the Assistant Attorney General for Civil Rights at the Department of Justice.

Wan Kim's life is a testament to the American dream. Mr. Kim's father came to New York from South Korea in 1971, with only a few hundred dollars in his pocket and the dream of building a better life for his family. He spoke no English and he took a job washing dishes. His wife joined him several months later, and worked in a garment factory. In 1973, Wan Kim and his sister left South Korea, where they had been staying with their grandmother, to reunite with their parents on U.S. soil. Wan Kim was 5 years old at the time.

The family soon moved to New Jersey, where Mr. Kim's parents purchased a luncheonette in Jersey City, and later a home in Union Township. Mr. Kim's parents worked 7 days a week to provide an education and a life of opportunity for their children. Mr. Kim excelled in school, graduating as valedictorian of his high school class and serving this country in the Army Reserves. He received his bachelor's degree from Johns Hopkins University and his law degree from the University of Chicago Law School.

Following law school, Mr. Kim clerked for Federal Judge James L. Buckley on the DC Circuit Court. He then worked as a trial attorney in the Criminal Division of the Department of Justice, where he participated in the prosecution of the Oklahoma City bombing case. Mr. Kim later served as an assistant U.S. attorney for the District of Columbia, as counsel on the Senate Judiciary committee, and as a lawyer in private practice. Since August 2003, Mr. Kim has served as a deputy assistant attorney general of the Civil Rights Division at the Department of Justice, where he is charged with oversight of the criminal, educational opportunities, and housing and civil enforcement sections.

If confirmed as assistant attorney general, Mr. Kim will be the Nation's top civil rights law enforcement officer. In that capacity, he will be responsible for overseeing more than 300 attorneys nationwide and with ensuring the vigorous enforcement of this Nation's civil rights laws—including those relating to voting rights, employment discrimination, human trafficking, and police misconduct. Mr. Kim will enjoy the distinction of being the first Korean-American and the first naturalized citizen to assume that post.

The position to which Mr. Kim is nominated is one of vital importance to our Nation. There are those who

would weaken or narrow the authority of the Civil Rights Division, or remove it from Congressional oversight altogether. I disagree. The Department of Justice, and the Civil Rights Division in particular, must continue to carry out its indispensable role in safeguarding the civil rights of all Americans. The Department must hold firm in ensuring that no person, big or small, strong or weak, Black or White, Latino or Asian, is treated with anything less than fairness, equality, and justice under our laws. To this end, it is essential that the powers of the Civil Rights Division and the oversight authority of this body be vigorous, and that the Division hire only the very best attorneys possible to carry out its mission.

There is no doubt that the Civil Rights Division will face many challenges in the years ahead. The office will require a leader with a firm commitment to civil rights and the resolve to place the considerable resources of the Federal Government behind the protection of those fundamental rights. Mr. Kim has an impressive record of public service and has earned the strong respect of his colleagues and the legal community. I am confident that Mr. Kim will do all he can to preserve and strengthen our civil rights protections, and that in so doing, he will continue to make his family, his home State of New Jersey, and his country proud.

BINATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my friends from across the United States and Mexico to celebrate the 5th Annual Binational Health Week. Binational Health Week affords us an opportunity to reflect upon the many successful efforts made here in the United States in cooperation with Mexican consulates to promote health and well-being amongst those who might otherwise lack access to important health care services and to discuss what further efforts should be made to address shortcomings that still exist.

Binational Health Week originated as an effort by Mexico's Secretary of Health to direct health care services to underserved migrant populations here in the United States. In October 2001, the Mexican consulates in California partnered with the California Department of Health Services to celebrate the first Binational Health Week in an effort to mobilize local health clinics and community organizations to provide services to people of Latin origin. Since then, Binational Health Week has expanded to cities across the United States, Mexico, and Canada.

I feel strongly that we must do all that we can to encourage people to pursue healthy lifestyles. Between one-half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, phys-

ical inactivity, and tobacco. Promoting proper fitness and nutrition is not only good health policy but it is also good fiscal policy as it prevents costly hospitalization and reduces future costs to the taxpayer. We must work together at the Federal, State and local levels to encourage healthy eating and exercise.

I am excited that Binational Health week encourages the people of our great nations to discuss how we can work together to ensure that families across North America have every opportunity to enjoy good health and happiness.

TRIBUTE TO AMERICAN BEVERAGE ASSOCIATION

Mr. CHAMBLISS. Mr. President, today I rise to report on a development by the American Beverage Association, ABA, and its members who have adopted a new policy aimed at helping parents and schools to promote healthy lifestyles for our Nation's students.

Recently, the association's board of directors established new school vending policies for its members. The purpose was to help parents, teachers, and children in the school environment make good lifestyle choices by providing appropriate beverage choices for each grade level.

Childhood obesity is a problem facing society, and I believe that responsibility for achieving healthy lifestyles is shared by everyone, including parents, communities, schools, government, and industry.

Under the new ABA policy, the beverage industry will provide the following: One, only bottled water and 100 percent juice to elementary school students; two, nutritious and/or lower calorie beverages to middle school students, such as bottled water, 100 percent juice, sports drinks, no-calorie and low-calorie soft drinks and low-calorie juice drinks—no full-calorie soft drinks or full-calorie juice drinks with 5 percent or less juice will be provided to middle school students until after school hours; and three, a variety of beverage choices to high school students, such as bottled water, 100 percent juice, sports drinks, and juice drinks. No more than 50 percent of the vending selections made available to high school students will be soft drinks.

This new policy complements the work the Committee on Agriculture, Nutrition, and Forestry completed in the 108th Congress with the Child Nutrition and WIC Reauthorization Act of 2004. Under the act, local school districts were directed to develop wellness policies, address physical activity and nutrition education, and implement nutrition standards for all food sold on campus. The ABA's new vending policy is timely and welcomed, and can serve as a key component for the development of local wellness policies by helping set important nutrition standards for our students.

Mr. President, I would like to recognize the American Beverage Association and its members for being part of a solution in achieving healthy lifestyles and in fighting childhood obesity. This commonsense policy does not unfairly single out individual foods or beverages through wholesale bans, but instead provides a reasonable balance in vending choices and complements the industry's school-based physical activity programs.

I commend The Coca-Cola Company in my home State of Georgia, and the entire beverage industry for its leadership on this issue and for its commitment to making a substantial and positive impact on the well-being of our students.

HONORING FORMER GOVERNOR STAN HATHAWAY

Mr. THOMAS. Mr. President, I rise today to pay tribute to the life and memory of Stan K. Hathaway. Sadly, Stan passed away on October 4, at the age of 81.

One of six children, Stan was born in Osceola, NE. He grew up in Huntley, WY. Stan attended the University of Wyoming until he heard the call of duty, and in 1943, he left college and joined the Army Air Corps to serve his country in World War II. During the war, he flew bomber missions. For his service, Stan received the French Croix de Guerre, U.S. Presidential Unit Citations and five air medals.

When Stan returned from his tour in Europe, he enrolled at the University of Nebraska to finish his bachelor's degree and continued on to complete his law degree at the same institution. While there, he met and married his lovely wife Bobby. Bobby was the light in his life. Their relationship was strong and full of love. They complimented one another beautifully, and together, they accomplished tremendous things.

Following Stan's graduation from law school, he and Bobby moved to Torrington. Bobby began teaching, and Stan established his law practice. Here, they had their two daughters, Susan and Sandra. In 1954, Stan was elected Goshen County Attorney, and in 1966, he was elected Governor. After his second term as governor, President Ford appointed Stan as secretary of the interior in 1975. He was Wyoming's first cabinet officer. Health issues forced his resignation shortly after his appointment, and he moved to Cheyenne to resume his law practice.

Stan always looked toward the future, and his innumerable contributions still resonate in our great State. During his two terms as Governor, Stan initiated groundbreaking policy for Wyoming. He enacted the State's first severance tax on minerals and created the Permanent Mineral Trust Fund where severance tax money is invested. The fund now totals more than \$2 billion and earns enough to run a major portion of the State's government operations.

Recognizing the value of our State's natural heritage and the need for conservation, Stan approved Wyoming's first environmental controls on its minerals industry. In addition to creating the State department of environmental quality, he signed into law the State air quality act in 1967 and the State water quality act in 1968. He was also a founding member of the Wyoming Heritage Society/Wyoming Heritage Foundation in 1979. Stan was determined to protect Wyoming's natural treasures while securing its economic future.

Governor Hathaway also had a great love for arts. He signed the 1967 bill which established the Wyoming Arts Council. He and Bobby were leading patrons of the arts, helped lead the charge to inaugurate public funding for the arts in the State, and helped develop many State programs to encourage art.

Stan believed the most important thing Wyoming could give its youth was an education and opportunities to stay in the State. In recognition of his contributions to higher education, the 2005 Wyoming Legislature named the "Hathaway Student Scholarship Endowment Account," a \$400 million dollar endowment for academic scholarships and endowed chairs at the State's universities and community colleges, in Stan and Bobby's honor.

Governor Hathaway's trailblazing efforts earned him many recognitions. Many credit him with helping Wyoming pull out of its economic depression during the 1950s and 1960s. In 2000, Stan was the recipient of the Mary Mead Steinhaur Heritage Award for his achievements in public service, private sector leadership and commitment to Wyoming's economic growth. Stan and Bobby also received the Governor's Arts Award for Excellence in the Arts in 2003.

Stan and Bobby were dear friends of my wife Susan and I. Susan's father, Harry Roberts, served in Governor Hathaway's administration as the superintendent of public instruction. She recalls Stan's deep beliefs and great passion. When Stan spoke, you couldn't help but listen. He was a true leader and a good man. Stan will be sorely missed.

ADDITIONAL STATEMENTS

TRIBUTE TO CRAIG M. MCKEE

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier, Mr. Craig M. McKee of Terre Haute, IN, who will be installed as chairman of the board of trustees of the National Cathedral Association here in Washington, DC, at an Evensong service on Thursday, October 13.

Since graduating from Indiana State University and the Indiana University School of Law in Indianapolis, Craig has worked as a respected attorney,

eventually becoming a partner in the firm of Wilkinson, Goeller, Modesitt, Wilkinson & Drummy in Terre Haute. He has also offered distinguished public service in West Central Indiana as a member of the board of directors and chairman of the Greater Terre Haute Chamber of Commerce, president of the Terre Haute Rotary Club, president of the United Way of the Wabash Valley, and a member of the board of directors of the Indiana State University Foundation.

As chairman of the board of trustees of the National Cathedral Association, Craig will help to facilitate funding for the Cathedral and oversee its programs and activities. The association, with some 14,000 members, provides leadership and support to the Cathedral. As one who has had the opportunity to be a reader at an Indiana Day observance at the Cathedral, I am grateful for the work of the Cathedral staff and the association.

The National Cathedral was chartered by Congress in 1893. Construction began in 1907, when the foundation stone was laid in the presence of Theodore Roosevelt, and lasted for 83 years; the last final was placed in the presence of George H.W. Bush in 1990. The Cathedral has been the site of two Presidential state funerals: for Dwight D. Eisenhower and Ronald W. Reagan, and the mausoleum is the final resting place for Woodrow Wilson. President Eisenhower lay in repose at the Cathedral before lying in state. In addition, a memorial service for Harry Truman took place at National Cathedral. It has been the venue to national prayer services following many events, most recently after Hurricane Katrina and the attacks of September 11, 2001.

I commend Craig on this signal honor and wish him every continuing success in his important leadership.●

VIOLENCE AGAINST WOMEN IN PAKISTAN

• Mr. LEAHY. Mr. President, I wish to bring attention to the appalling human rights abuses against women in Pakistan and to express my dismay with the recent comments of President Pervez Musharraf that rape in Pakistan has become an opportunity for women of his country to make money and emigrate. Victims of rape and domestic violence in Pakistan and around the world are offended by these irresponsible remarks.

On September 13 President Musharraf stated the following in an interview with the Washington Post: "You must understand the environment in Pakistan . . . This has become a money-making concern. A lot of people say if you want to go abroad and get a visa to Canada for citizenship and be a millionaire, get yourself raped." President Musharraf subsequently denied making these remarks, but the paper posted an audio link of the interview on its website, confirming that he had in fact been accurately quoted.

These comments are completely unacceptable. They are especially so considering the fact that rape and other acts of violence against women in Pakistan are a longstanding problem. The U.S. State Department's Country Report on Human Rights Practices for 2004 reported that one out of every two Pakistani women last year was the victim of mental or physical violence. That is an astounding number. Additionally, the report states that husbands frequently beat and even occasionally kill their wives and that many females are disfigured by intentional burnings or attacks with acid. So called "honor killings," when husbands murder their wives for alleged infidelity or other acts deemed to impugn the man's honor, also continue to be a problem in Pakistan. Yet the perpetrators of these crimes often escape punishment. Pakistani human rights organizations documented 1,458 cases of honor killings last year, and many more likely went unreported. A study by Human Rights Watch estimates that a woman in Pakistan is raped every 2 hours and that approximately 70-90 percent of women suffer from some form of domestic violence.

The terrible stories of two Pakistani rape victims have been vividly portrayed in moving editorials by New York Times reporter Nicholas Kristof. From Kristof we first learned about Mukhtar Mai, who was gang-raped in 2002 on the orders of a council of tribal elders, and also about Dr. Shazia Khalid, a Pakistani physician who was raped in January 2005 by a military officer in her place of employment.

These stories are tragic. But equally troubling is the cruel reality that many rape victims in Pakistan are pressured to drop charges by the authorities, as was the case for Dr. Khalid. Many who courageously decide to press forward are ostracized, beaten or even jailed on charges of adultery or fornication. What we are witnessing is an archaic and twisted judicial system where too often the victims are punished and the culprits go free. This practice of blaming and then abusing the victim is a disgrace.

At a time when the Bush administration is embracing President Musharraf and giving Pakistan huge amounts of aid on account of his support for the administration's policies in Afghanistan, it should use its influence to press Musharraf to act immediately to address the rampant abuse of Pakistani women. This includes abolishing the Hudood Ordinances, a harsh penal code introduced in 1979 by then-dictator General Zia ul-Haq to Islamize the legal system. Unfortunately, President Musharraf has taken few concrete steps to protect women from this discriminatory and backward legal system.

As we consider the plight of women in Pakistan and the tremendous obstacles they must surmount, the U.S. must take a hard look at the consistency of our own policies, especially with respect to advancing human

rights around the globe. I was troubled to hear that the State Department declined to react to Musharraf's comments. When asked about the interview by a member of the press, a Government spokesman skirted the issue by stating that "The United States Government speaks out very clearly that violence against women, wherever it may occur, is unacceptable. And around the world, where this is a problem, we make a point of speaking out against it."

Unfortunately, the administration is not practicing what it preaches. The administration missed an important opportunity to speak out against a reprehensible allegation that women are using rape in order to make money and emigrate. In his inaugural address last year, the President stated that "all who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you." I urge President Bush to live up to his promise to promote democracy and advance human rights and to not ignore the women of Pakistan.●

IN HONOR OF HISPANIC HERITAGE MONTH, SEPTEMBER 15–OCTOBER 15, 2005

● Ms. CANTWELL. Mr. President, I rise today to say a few words in honor of the Latino communities of the United States. As my colleagues know, September 15 to October 15 each year marks Hispanic Heritage Month. Throughout this month, the United States celebrates the history, culture, and traditions of Latinos as well as their contributions to the United States. September 15 was selected as the first day for this special month because it marks the anniversary of independence for Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Mexico and Chile also commemorate their independence days during the month, on September 16 and September 18, respectively.

As we celebrate Hispanic Heritage Month, we must also acknowledge the challenges faced by this community. The Latino population is extremely vulnerable to economic downturns and experience high poverty rates, particularly among working families with children. We must work to continue providing the infrastructure to assist families by strengthening job training, child care, child nutrition, and transportation. Furthermore, we must continue to lift the barriers on education. Only 12 percent of Latinos have graduated from college. As nearly half of the Latino population is under age 25, it is crucial that we provide access to higher educational opportunities. The Latino community in the United States strives to succeed in all realms. Providing a solid educational foundation for the younger generation will ensure continued growth and accomplishments by the community.

Today, there are 39.9 million Latinos in the United States, which is nearly 14 percent of the total population. Latinos live in every State and are vital contributors to every aspect of the future of our Nation. My State of Washington is home to the 10th largest Latino population in the United States. Fourteen percent of Latinos work in managerial and professional occupations. Twenty-one percent work as operators and laborers, and another 22 percent work in service occupations. Not only are Latinos the fastest growing population in the United States, they are also the fastest growing group amongst small business owners. In the past two decades, the number of Latino-owned businesses has grown by over 600 percent.

Such facts about the achievements about the Latino community should not be surprising, as contributions by Latinos can be traced back through the history of the United States. On March 27, 1513, Juan Ponce de Leon's travels led him to a land he named "La Florida." In 1541, Hernando de Soto became the first European to discover the Mississippi River. Mexican and Spanish voyagers explored the Pacific Northwest as early as 1774. Joseph Marion Hernandez, a member of the Whig party, served as the first Latino Congressman between 1822 and 1823. In 1962, Cesar Chavez established the National Farm Workers Association, which later became the United Farm Workers. These examples further evidence that the history of the Latinos in the United States is an integral part of our history as a Nation.

I am pleased to have this opportunity of Hispanic Heritage Month to give thanks to and honor the Latino community. The accomplishments by Latinos throughout the centuries and their significant influence on our Nation today are cause for celebration.●

IN RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH, OCTOBER 2005

● Ms. CANTWELL. Mr. President, I rise today in recognition of Domestic Violence Awareness Month. As we mark the 11th anniversary of the Violence Against Women Act, VAWA, which has given a voice to the thousands of women and children who had silently suffered the effects of domestic violence, we must continue to build on these protections for victims of domestic violence and sexual assault.

The enactment of the 1994 Violence Against Women Act symbolized a significant Federal response to the problem of violence against women. The original act rewrote Federal criminal law in several respects, including creating penalties for interstate stalking or domestic abuse, strengthening penalties and requiring restitution for repeat sexual offenders, rendering a victim's past sexual behavior inadmissible in Federal cases, and allowing a Federal judge to order HIV testing of al-

leged rapists. VAWA also created a grant program to improve law enforcement in cases of violent crimes against women, rape prevention and education programs, and funds for battered women's shelters. Earlier this year, my home State of Washington received a grant of over \$2.3 million through this program to help victims of domestic violence get access to needed services and to enhance the partnership between criminal justice agencies, victim services providers, and community organizations which respond to domestic violence.

Since passing VAWA, local communities around the United States have made significant strides toward eradicating domestic violence. Between 1993 and 2001, the rate of nonfatal domestic violence dropped 49 percent. States have passed over 660 laws pertaining to domestic violence, stalking, and sexual assault. Yet, despite our progress, a woman in the United States is still more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. Three to four million American women continue to be battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. This is unacceptable and we need to continue our efforts to eradicate domestic violence.

As we consider all issues of domestic abuse, we need to also be aware of the advent of for-profit international marriage brokers—companies that operate solely to connect men and women of different nations with the intent of getting married. Today, experts put the number of international marriage brokers at nearly 500 worldwide. Based on the 1999 statistics, there are between 20,000 and 30,000 women who have entered the U.S. using an international marriage broker in the past 5 years. While many of these matches result in long, happy unions, there is an unfortunate growing epidemic of domestic abuse among couples who meet through a broker. The risk of foreign women being abused and in some cases murdered by men they meet through these mail-order bride agencies is heightened greatly when they do not have access to vital information about their potential husbands or their rights in the United States. In my home State of Washington, we know of at least 3 cases of serious domestic violence, including 2 murders of women who met their husbands through Internet-based brokers.

On October 4, my colleagues unanimously passed legislation to reauthorize and improve the Violence Against Women Act once again. This legislation includes language I authored that will make information available to foreign women about the marital and violent criminal history of their prospective American husbands, in addition to

requiring international marriage brokers to provide foreign fiancées with information about the rights and resources available to domestic violence victims in the United States. Under current practice, American clients can get all the information they want about foreign fiancées, while foreign clients only receive information that the Americans choose to share, and have no way to make sure what they are told is true. By providing foreign women who meet their potential American spouses with ability to access their potential spouse's marital and criminal history, we are taking a further step to curb domestic violence. The decisions we in Congress chose to make concerning the Violence Against Women Act of 2005 sets in place the priorities and funding levels that will directly affect how we respond to and prevent domestic violence in the coming years.

Because of its occurrence behind closed doors, many Americans are unaware of the severity of this problem. While domestic violence most directly affects women, it hurts us all, no matter our sex, race, religion, or economic status. As our Nation recognizes Domestic Violence Awareness Month, let each of us consider what we can further do to prevent its continuation.●

NATIONAL PAYROLL WEEK

● Mr. CHAMBLISS. Mr. President, I would like to recognize National Payroll Week, which was designated by the American Payroll Association as the week of September 5–9, 2005. This week signified an important effort to recognize the over 156 million working Americans and the payroll professionals who support the American economy by paying wages, reporting worker earnings, and withholding Federal employment taxes.

Together, this hard working group of Americans contributes, collects, reports, and deposits approximately \$1.4 trillion, or 71 percent, of the annual revenue of the U.S. Treasury. Payroll professionals continue to play a key role in maintaining the economic health of the United States by carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing. Payroll professionals also work with Federal and State tax officials to make the tax system more efficient and to improve compliance.

National Payroll Week celebrated the contributions of American workers and payroll professionals and the intricate role they play in our economy and everyday lives.●

TRIBUTE TO BILL WALSH

● Mr. DODD. Mr. President, I rise today to honor a constituent and a pioneer in substance abuse treatment, Bill Walsh, who is retiring this year.

Mr. Walsh grew up in New Bedford, MA, and attended Seton Hall University. He served as a Radioman First Class in the U.S. Navy during World War II. Aboard the USS *Hyter*, he participated in the naval escort for President Franklin Roosevelt as he flew to the conference at Yalta.

After he left the Navy, Bill Walsh nobly dedicated his life to helping those in need of mental health services and those debilitated by alcohol and substance abuse. For 3 years, he served as the executive director of the Mental Health Association of Eastern Connecticut, where he created community mental health services and educational seminars to meet the needs of eastern Connecticut.

And, for the last 34 years, Mr. Walsh has served as the president of the Southeastern Council on Alcoholism and Drug Dependence. In that position, he oversaw the development of three halfway houses, a detoxification program, outpatient services, and community-based education programs. He has helped thousands confront the devastating effects of drug and alcohol abuse and take the difficult steps to recovery.

Mr. Walsh was also a pioneer in long-term care in Connecticut. In 1979 he developed the Lebanon Pines Treatment Facility for those with chronic alcoholism, who are invited to live and work at the rural, alcohol-free facility for an indefinite period. This program has no doubt helped hundreds of individuals find sobriety.

Bill Walsh's selfless desire to truly help those in need is further evidenced by the extent to which he has been willing to share the vast knowledge that he gained working on the front lines. Over the last five decades, he has strenuously lobbied the Connecticut legislature on behalf of those suffering from addictions to drugs or alcohol and their treatment providers. He has served on numerous boards and advisory committees dedicated to substance abuse treatment. And he has lectured on substance abuse and community rehabilitation projects at colleges and universities in Connecticut and throughout our Nation.

Millions of Americans battle drug and alcohol addiction every day. Bill Walsh has dedicated his life to making sure that they don't fight alone. For his tireless service, Connecticut and, indeed, the whole Nation owe him a tremendous debt of gratitude.

Next week, a dinner will be held in honor of Bill Walsh's many contributions to the field of substance abuse treatment and to raise money for a scholarship fund to support those who want to become substance abuse treatment professionals. Both the dinner and the scholarship fund are wonderful tributes to Bill's contributions to serving those who struggle each and every day with addiction.

Once again, I thank Bill Walsh for his years of dedicated service to his community, to Connecticut, and to our Na-

tion. And, I send my best wishes to him, his wife Cinda, and his family as he embarks on this new stage in his life.

ANNIVERSARY OF THE DEATH OF LEON KLINGHOFFER

● Mr. SCHUMER. Mr. President, 20 years ago this month the world changed forever for the family of Leon Klinghoffer. Mr. Klinghoffer was a 69-year-old American Jewish retired appliance manufacturer from my State of New York. In October 1985, he and his wife Marilyn were celebrating their 36th wedding anniversary by taking a vacation aboard the *Achille Lauro*.

On October 7, 1985, four members of the Palestine Liberation Front took control of the *Achille Lauro* liner off the coast of Egypt. While these hijackers held the passengers and crew hostage, they directed the vessel to sail to Tartus, Syria, and demanded the release of 50 Palestinians then held in Israeli prisons. After being refused permission to dock at Tartus, the hijackers killed the wheelchair-bound Leon Klinghoffer and threw his body overboard into the sea.

Nothing can ever repair the mindless horror that act of terror visited upon the innocent. Nothing can replace the love of a husband and father. Yet we can learn from this cowardly act of terror and others like it. Indeed we must learn from it if we are to survive as a free nation in a world stalked by the terrorist gun and bomb. We must understand that terrorism has gotten more dangerous to the United States since Leon Klinghoffer's senseless murder. The *Achille Lauro* hijacking signaled the beginning of a new era and shattered illusions that Americans were not vulnerable to international terrorism.

Mr. Klinghoffer's widow, Marilyn and his two daughters courageously sought to turn their grief into meaningful action by speaking out against the scourge of terrorism and establishing the Leon Klinghoffer Memorial Foundation of the Anti-Defamation League. Since Marilyn's passing in 1986, the foundation that now bears both their names continues to raise awareness about the growing reach, sophistication, and lethality of terrorism, to identify gaps in America's counterterrorism law, and to advocate for their closure.

Having seen firsthand the destruction and pain caused by the murder of even one victim, the Klinghoffer family has reached out to other victims of terror to share their support, strength and experience. The Klinghoffer Foundation has developed educational, political, and legal strategies to enhance the fight against terror worldwide.

The Senate salutes Leon and Marilyn's two daughters, Lisa and Ilsa, whose longtime education efforts helped put a human face on the threat of terrorism long before fighting terror became a necessary way of life for

Americans, and whose advocacy has helped secure vital improvements in American counterterrorism policy. And we join them in remembering Leon and Marilyn Klinghoffer.●

IN HONOR OF MAJOR GENERAL STEPHEN R. LORENZ

● Mr. ALLARD. Mr. President, I would like to take a moment today to recognize one of the finest Air Force officers on active duty, MG Stephen R. Lorenz. On September 6, General Lorenz left his present position as Deputy Assistant Secretary for Budget to become Special Assistant to the Air Force Chief of Staff. During his time in Washington, and especially with regard to his work on Capitol Hill, General Lorenz personified the Air Force core values of integrity first, service before self and excellence in all things. Many Members and staff enjoyed the opportunity to work with him on a variety of Air Force issues and came to appreciate his many talents. Today it is my privilege to recognize some of Steve's many accomplishments since he entered the military 32 years ago, and to commend him for the superb service he provided the Air Force, Congress, and our Nation.

Steve Lorenz earned a bachelor's degree in international affairs from the U.S. Air Force Academy in 1973 and attended undergraduate pilot training at Craig Air Force Base, AL. From 1975 to 1980, he flew the EC-135 as aircraft commander at Ellsworth AFB, SD, and over the course of later assignments to Wright-Patterson AFB, OH, and Castle AFB, CA, attained the qualification of KC-135 instructor pilot. General Lorenz demonstrated his skill as an aviator in the T-37, T-38, T-39, UV-18, EC-135A/G/C, KC-135A/R, KC-10A, and C-141B aircraft. He is a command pilot with over 3,300 hours of flying time.

From early in his career, General Lorenz's exceptional leadership skills were evident to superiors and subordinates alike as he repeatedly proved himself in numerous select command positions. He has commanded an air refueling squadron, the 93rd Air Refueling Squadron, Castle AFB, CA, a geographically separated operations group, the 398th Operations Group, Castle AFB, CA and holds the distinct honor of four Wing commands; the 22nd Air Refueling Wing, March AFB, CA, the 722nd Air Refueling Wing, March AFB, CA, the 305th Air Mobility Wing, McGuire AFB, NJ, and the 34th Training Wing, United States Air Force Academy, Colorado Springs, CO, as the Commandant of Cadets. Under his command, two of those wings were recognized and honored as the "Best Wings" in their respective numbered Air Forces.

Steve Lorenz excelled in a variety of key staff assignments. These include serving as Director of Plans and Programs, Headquarters U.S. Air Forces in Europe; Chief, European and North Atlantic Treaty Organization Policy

Branch, European Division, Directorate of Strategic Plans and Policy on the Joint Staff; Chief, Northeast Asia Branch, Far East/South Asia Division, Directorate of Strategic Plans and Policy on the Joint Staff; and Deputy Chief Senate Liaison Office. General Lorenz is also a published author providing articles to military journals on Leadership and the Air Force resource allocation process.

During his service to the 107th, 108th, and 109th Congresses, General Lorenz served as our principal budget liaison with the Air Force, providing clear, concise, and timely information on issues affecting sustainment, modernization and readiness of our airmen. Most importantly, he proved an essential conduit between appropriators in Congress and frontline combat operations during Operation Iraqi Freedom, Operation Noble Eagle, and the global war on terrorism. In his 4 years as Director of Budget, he developed, advocated, and executed over \$37 billion of warfighter requirements through supplemental appropriations. General Lorenz's leadership, professionalism, and expertise enabled him to foster exceptional rapport between the Air Force and the Senate, and enabled Congress to better understand Air Force priorities and programs.

I was pleased the President nominated and the Senate confirmed General Lorenz for his third star with assignment as Commander, Air University, Air Education and Training Command, Maxwell Air Force Base, AL. This higher grade and command are exceptionally well deserved. I offer my congratulations to him, his wife Leslie, and children, Tracy, Stephen, and Kelly. The Congress and country applaud the selfless commitment of his entire family to the Nation in supporting Steve's military career.

I know I speak for my colleagues in expressing my heartfelt appreciation to GEN Stephen Lorenz. He is a credit to both the Air Force and to the United States. We wish our friend the very best and are confident of his continued success in a new command.●

CELEBRATING THE DEDICATION OF THE FEDERAL COURTHOUSE BUILDING IN FRESNO, CALI- FORNIA

● Mrs. BOXER. Mr. President, I rise to recognize the dedication of the Federal courthouse building in Fresno, CA, which is to occur October 18.

The magnificent Federal courthouse building will provide the much-needed space and capacity to effectively serve a region that is continuing to grow at a rapid rate. This building will help ensure the swift and efficient administration of justice to the people of the Fresno Division of the Eastern District, which covers the counties of Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne. Furthermore, this impressive edifice will be the most

tangible and powerful symbol of the American justice system to the people of the region.

In addition to meeting the needs of the court for additional space and related purposes, the Federal courthouse building will be a centerpiece and catalyst for the continued renaissance of downtown Fresno. The strikingly designed courthouse stands as part of the downtown skyline that continues to grow. I am particularly pleased that the Federal Government has been an integral partner in downtown revitalization with this and other projects. Together, they have brought thousands of employees to the area. I applaud the efforts of all those in the community who, through their commitment and dedication, helped make this latest addition to the downtown Fresno landscape a reality.

I hope this courthouse will ultimately be named for Senior U.S. District Judge Robert E. Coyle, a man who is widely and greatly admired and respected for his work as a judge. Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern Court in 1982, Judge Coyle has served the Eastern District for 20 years, including 6 years as a senior judge.

For over a decade, Judge Coyle has been a tireless champion of the effort to build this courthouse. He has been seen daily walking to and from the building site assuring that the job was done right, which I am proud to report is certainly the case. A courthouse building named in his honor will stand as a testament to the people of California of the distinguished career and the dedicated work of Judge Robert E. Coyle.

I am proud to commemorate the dedication of the Federal courthouse building in Fresno, and wish its occupants and the people of the Fresno Division of the Eastern District a bright future as we continue to work to bring justice and equality to all.●

THANKING AND CONGRATULATING JANA DAVIS

● Mr. LAUTENBERG. Mr. President, each year at about this time, three dozen or so scientists descend on Capitol Hill looking to work for Members of Congress or congressional committees. They come to us offering their expertise and service free of charge, courtesy of the American Association for the Advancement of Science, AAAS. For over 30 years now, AAAS and its constituent professional societies have provided science fellows, and Congress and the Nation are better for it.

Science and technology dominate our lives and yet there are relatively few scientists and engineers engaged in formulating public policy, either as Members of Congress or as congressional staff. As Carl Sagan said, "We live in a society exquisitely dependent on science and technology, in which hardly anyone knows anything about

science and technology." That is why the AAAS science fellows are so important.

Scientific expertise has never been more important than it is right now. The Bush administration and its allies in and out of government are pursuing policies that seem to depend on repudiating science on everything from the environment to biomedical research to education. Whether we are talking about global warming or stem cell research or teaching evolution, this administration and the majority here in Congress too often ignore or dispute the solid consensus that exists in scientific communities with regard to these and other crucial issues.

For the past year, I have been fortunate to have Dr. Jana Davis work in my office as a AAAS science fellow. Her tenure has come to an end and she will soon start a new job with the National Oceanic and Atmospheric Agency, NOAA, so I would like to take this opportunity to thank her for her service here in the Senate and to congratulate her on her new job.

Jana is a New Jersey native who went to Yale University for her undergraduate degree in environmental biology. She received her Ph.D. in oceanography from the Scripps Institution of Oceanography. After that, she served as a postdoctoral fellow and biologist at the Smithsonian Environmental Research Center. She has held various teaching jobs and has a lengthy list of scholarly publications to her credit.

In her short time here, Jana worked on a number of bills and became a trusted adviser on a range of scientific issues, especially those which fall under the jurisdiction of the Committee on Environment & Public Works and the Committee on Commerce, Science & Transportation—two of the three committees I serve on. For instance, Jana was the principal author of several measures I have introduced, including S. 1645, an ocean and coastal science literacy and education bill; S. 1635, a bill to protect deep sea coral habitat; S. 1619, a bill to reduce pesticide use in schools; and S. Res. 99, a resolution urging the U.S. delegation to the International Whaling Commission to press for an end to dolphin slaughter. Jana also drafted the "Save Climate SCIENCE"—Scientific Credibility, Integrity, Ethics, Non-partisanship, Consistency, and Excellence—amendment I offered to H.R. 6, the Energy bill. And she served as my representative in Commerce Committee staff negotiations on reauthorizing the Coastal Zone Management Act, ballast water exchange legislation, and the Magnuson-Stevens Fishery Conservation and Management Act.

Jana has done a superb job during her fellowship. I have relied on her scientific expertise and she has shown a great aptitude for public policy. I am grateful for her service and value her numerous substantive contributions. I regret that she is moving on but our loss here in the Senate is NOAA's gain. She will do a superb job at NOAA.

I want to thank the American Geophysical Union for sponsoring Jana and the AAAS for sponsoring the science fellows program. The program is invaluable because it brings talented, energetic, and idealistic scientists like Jana Davis to Capitol Hill. We need more people like that here in Congress.●

RHODE ISLAND SCHOOL OF DESIGN SOLAR HOME IN SOLAR DECATHLON 2005

● Mr. REED. Mr. President, from October 7 through October 16, 2005, the National Mall will be transformed into a solar village. The Solar Decathlon 2005 will showcase 18 solar homes designed, built, and operated by university teams from across the United States as well as Canada and Spain. Each of the university teams chosen for the decathlon competed in 10 contests that measured the aesthetics and livability of the solar homes as well as their capacity to provide lighting, heat water, and run household appliances, including a TV, refrigerator, and computer. Each team demonstrated the ability to power an electric car from the energy harnessed by the solar home—an important achievement in this day of skyrocketing fuel prices. I am proud that the Rhode Island School of Design, known as RISD, is among the 18 participating teams in the Solar Decathlon.

The first Solar Decathlon, held on the Mall in 2002, received more than 100,000 visitors. The decathlon, sponsored by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy, aims to educate policymakers and the public about alternative energy sources to improve building design and quality of life. The competition motivates participating teams to use cutting-edge solar technologies, renewable materials, and energy-efficient building principles so that these features will become part of the mainstream of home design.

RISD's solar home is a team effort on the part of more than 60 students and seven departments from both the Rhode Island School of Design and Brown University. The team was led by architecture faculty members, William Yoder and Jonathan Knowles. These students worked for 2 years on the production of an environmental and energy-smart home design while taking classes specifically geared toward this end. Last week, they transported their solar home to Washington, DC, for assembly on the National Mall.

The principle behind RISD's design is to incorporate high-tech solar technologies with low-tech materials that increase energy efficiency. Through this combination, the students illustrated that designers and homeowners do not need to be well-versed in complex technologies to incorporate solar into their homes. Furthermore, many of the materials used in the RISD solar home, while having high insulation

values, are reclaimed—an effort on the part of the Rhode Island team to reduce construction waste.

As a design school, RISD was concerned about the attractiveness of the materials and design principles, which will improve the marketability of solar home features. Function and aesthetics led the team to incorporate both a roof garden and a louvered skin. The louvered skin is adaptable, so as to reflect heat during the day and keep in heat during cold nights. Moreover, the skin provides "chameleon-like" color variations and graphics that add to the home's artistic style as it tracks the cycle of the sun. The roof garden brings an element of tranquility to the home's design but is also a smart use of space for a home designed for an urban setting where a lawn is hard to find. This element is one that illustrates the team's goal to blend the boundary between home and environment.

The Rhode Island team also created a home that is adapted to its surroundings. Since the home was designed as an urban dwelling, it uses a north/south orientation, allowing for the home to receive ample lighting if serving as a townhouse between adjacent homes. The RISD team took into account the expansion of its townhouse style to a community scale. With the addition of mirrored or identical units, the entire lot would collectively become more energy efficient. Furthermore, the variations in how these modules fit together would create open spaces that provide a private haven when juxtaposed against an urban backdrop.

The Rhode Island team applied great effort to the design of the "mechanical core" that runs the heating, cooling, plumbing, and electricity of the house. Centrally located, this unit minimizes the need for ducts and piping throughout the home, thereby increasing energy efficiency throughout the structure. RISD's house is so efficient that it produces enough reserve energy from the sun that it will be able to power a car.

Upon conclusion of the competition, several teams will offer the homes that they designed and built for educational or living use. The RISD students intend to transport their solar home back to Providence, RI, where it will serve as an example of smart building design for the community.

The Solar Decathlon offers an opportunity to witness first hand the ingenuity of the participating teams and the innovative solutions available to Americans to reduce our energy demand and propel us on a cleaner and sustainable energy path. Visitors to the solar village will be able to tour each of the 800 square-foot homes and ask the students questions regarding their solar design and technology choices. Workshops are scheduled throughout the week for visitors to learn how to incorporate into their homes both active and passive solar energy, improved energy efficiency technologies, and biobased products. My

sincere congratulations to the Rhode Island team for a job well done.●

NORMAN L. KIRKHAM

● Mr. ROCKEFELLER. Mr. President, I rise today to recognize the many years of service Norman "Norm" L. Kirkham has provided to the people of southern West Virginia. For the last 19 years, Mr. Kirkham has held the position of executive director of the West Virginia Region I Planning and Development Council and worked tirelessly on various projects during the 10 years prior to that. This organization is a non-profit public agency that coordinates with the Federal, State, and local governments to provide comprehensive planning for the coalfields of southern West Virginia. After numerous years of working with the citizens of McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties to improve their quality of life and develop the regional economy, Norm is retiring effective October 31, 2005.

Many of Norm's colleagues praise him for his active role as the driving force behind the scenes, turning proposed plans and ideas into economic realities for southern West Virginia. One such example is a project to bring a new Federal prison to McDowell County, West Virginia. Over the last decade, I have worked alongside Norm to help develop a site for the prison and secure approval for the prison. As a result of his relentless hard work and determination, the new Federal prison will create 350 high-paying jobs in an area that desperately needs them. I am enormously proud to have worked with Norm on this and so many projects.

During his tenure as executive director, Norm has helped to secure funds to provide flood relief to the flood-prone valleys and riverbanks of southern West Virginia, enhanced the water systems in towns such as Princeton, Welch, and Union, and lobbied for grant money to support senior citizen centers. In addition to advancing specific economic development projects, Norm has helped ease access to technology, sewage, and other forms of infrastructure throughout southern West Virginia.

Without a doubt, Norm has contributed a great deal to his agency and to the people of southern West Virginia. His contributions are even more impressive when one considers the dire need for economic development in the southern West Virginia coalfields. Traditionally, the economy of southern West Virginia has relied heavily on the coal industry. Through coordination and planning, Norm and his agency have helped diversify the region's economy and tremendously enhance the infrastructural needs that are vital to development in southern West Virginia. Many successful economic development sites can be attributed to Norm's dedication to promoting and developing economic prosperity for every person and family in his region.

Public servants in his line of work normally do not receive the recognition they deserve. Our State needs more people like Norm who dedicate their entire professional careers to ensure that people have adequate employment, roads, water, sewage, and other services and infrastructural needs commonly taken for granted.

Always modest and never in the lime-light, Norm is firmly rooted in rural Summers County where he inherited the values that make southern West Virginia a unique and wonderful area—service to community and nation and dedication to family and neighbors. Through his hard work and integrity, Norm has earned the respect of every local official in southern West Virginia; Federal and State officials; Governors, past and present; and the Members of the congressional delegation.

In retirement, Norm can more fully devote himself to what he cherishes most in life—his family, his Summers County farm and his community. He will surely be missed at Region I and throughout all of West Virginia, but he leaves a career of good work that will last generations.

I will sincerely miss working with Norm but I suspect even in retirement, some very worthwhile community projects are going to find themselves in need of a seasoned volunteer just like him. Regardless, I wish him the very best.●

HONORING COLONEL JOSEPH JULIAN McLACHLAN

● Mr. SALAZAR. Mr. President, I rise today to honor the life and legacy of COL Joseph Julian McLachlan. Colonel McLachlan is a World War II hero and a proud Air Force veteran who died at the age of 85 in late July. Next week, he will be interred at Arlington National Cemetery. With the honors of a full military funeral, he will take his rightful place alongside America's greatest heroes, Medal of Honor recipients and veterans going back to the American Revolution.

Born in 1920, Joseph McLachlan enlisted in the Army Air Corps at the start of World War II. He completed his pilot training and was commissioned in 1942. As part of the famed 368th Fighter Group, McLachlan flew two strafing missions in support of ground troops on D-Day. Six days later, he was shot down and hid behind enemy lines until he could rejoin American troops. Over the course of the war, he completed 91 missions as a P-47 pilot. He earned a Silver Star, Distinguished Flying Cross, Purple Heart, 17 Air Medals, and the Legion of Merit.

Today, more than 60 years later, it is hard to recapture the tremendous uncertainty that America faced at the eve of the Normandy invasion. Operation Overlord employed more than 5,000 ships and landing craft, more than 12,000 airplanes, and more than 150,000 troops. Their bravery carried the day and led to the victory of freedom and

democracy over tyranny and oppression. Ordinary Americans like Joseph McLachlan gave the best years of their lives to the greatest mission this country has ever taken on. The world owes them a huge debt of gratitude.

After the war, McLachlan stayed in the military. In 1948, he flew 44 missions in the Berlin Airlift, one of the first major crises of the Cold War. A command pilot, McLachlan led a B-47 Squadron at MacDill Air Force Base in Tampa. He was vice-commander of Zaragoza Air Base in Spain and Commander of Lincoln Air Base in Nebraska. He retired as Chief of Foreign Liaison at the Pentagon.

After leaving the military, Colonel McLachlan went on to have a successful 19-year career in the private sector. His greatest legacy is his large and loving family. He had 6 children, 10 grandchildren, and 7 great-grandsons.

Mr. President, COL Joseph McLachlan was a great American. As we prepare to lay his remains to rest at Arlington, I ask my colleagues to join me in honoring him and his family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 8:54 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1413. An act to redesignate the Crowne Plaza in Kingston, Jamaica as the Colin L. Powell Residential Plaza.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1786. An act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricane Katrina and Rita.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 59. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation.

H. Con. Res. 161. Concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

MEASURES REFERRED

The following bills and joint resolutions were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; to the Committee on the Judiciary.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.J. Res. 61. Joint resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 59. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-188. A concurrent resolution adopted by the Legislature of the State of Texas relative to requesting the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION 2

Whereas, Created in 1999 to help state and local jurisdictions prepare for a national emergency, the Strategic National Stockpile

is a repository of pharmaceuticals and medical supplies administered jointly by the United States Department of Homeland Security and United States Department of Health and Human Services; and

Whereas, Currently, if an act of bioterrorism occurs within Mexico near the United States border, it is up to each United States border state, including Texas, to request and deploy the Strategic National Stockpile across the border to protect the citizens of the state; and

Whereas, Procedures for deploying Strategic National Stockpile assets require the affected state governor's office to request deployment from the Centers for Disease Control and Prevention or the Department of Homeland Security; although the assets are transferred to state and local authorities once they arrive at the designated receiving and storage site in the affected state, the stockpile materials remain a federal asset; and

Whereas, Deployment, which may include a mass antibiotic dispensing operation, requires substantial state and local resources to receive, secure, and distribute Strategic National Stockpile assets; staging and dispensing the assets in another country requires a coordinated, comprehensive approach that is best addressed by the federal government; and

Whereas, The Homeland Security Act of 2002 charged the United States Department of Homeland Security with defining the goals and performance requirements of the Strategic National Stockpile program as well as managing the actual deployment of assets; critical to the success of this initiative is ensuring capacity at the federal level to respond to binational public health emergencies; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully request the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico, provided that the Mexican government approves said request pursuant to treaties and other agreements with the United States; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-189. A resolution adopted by the General Assembly of the State of New Jersey relative to legislation to authorize National Guard members to enroll in Department of Defense managed health care program; to the Committee on Armed Services.

ASSEMBLY RESOLUTION NO. 282

Whereas, The United States of America is founded on the principle of citizen-soldiers safeguarding our national security, a construct that is as essential today as it was more than 368 years ago when the National Guard was established; and

Whereas, The oldest military institution in the United States, the National Guard has been, since its founding in 1636, a community-based force composed of citizen-soldiers, the members of the Army and Air National Guard serving the nation in time of war and their states in time of domestic emergency; and

Whereas, As our nation continues to fight the War on Terrorism and our military forces continue to be engaged in operations

in both Iraq and Afghanistan, we are, more than ever, dependent on the National Guard to defend the United States, both overseas and at home; and

Whereas, More than 197,000 soldiers of the Army National Guard and 31,000 members of the Air National Guard have been mobilized since September 11, 2001, the largest mobilization of the National Guard since World War II; and

Whereas, At this time, more than 51,000 Army Guardsmen are on the ground in Iraq and 15,000 are serving in Afghanistan, and sadly, more than 100 National Guard members have made the ultimate sacrifice; and

Whereas, Whether serving in the Iraq and Afghanistan theaters or at home in the US, National Guard members are operating side-by-side with their active-duty counterparts; and

Whereas, With a presence in more than 3,000 communities across the nation, the National Guard is also playing a crucial role in homeland security; and

Whereas, The "Guard and Reserve Readiness and Retention Act of 2005," embodied in S. 337 and H.R. 558, are currently pending before the 109th United States Congress; and

Whereas, In part, this legislation extends TRICARE coverage, the managed health care system for the U.S. military, on a contributory basis, to all members of the National Guard, regardless of mobilization status; and

Whereas, In light of their expanded role in military operations overseas and national security at home in our post-9/11 society, a reevaluation of our nation's commitment to the citizen-soldiers of the National Guard is in order; and

Whereas, These brave men and women deserve more than our thanks, they deserve more substantial personnel and readiness benefits that ensure the National Guard will continue to attract the best and brightest, from the active-duty component of the military as well as the civilian population; and

Whereas, The provision of adequate health care coverage to each and every citizen-soldier of the National Guard would repay but a small portion of our nation's debt to these exceptional men and women who are vigilantly defending our homeland, both at home and abroad; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House calls upon the United States Congress to provide health care benefits for National Guard members and their families by authorizing a member to enroll, on a contributory basis, for individual or family coverage under the TRICARE program, regardless of mobilization status.

2. This House urges that the United States Congress pass and the President of the United States approve the "Guard and Reserve Readiness and Retention Act of 2005," now pending in the 109th Congress as S. 337 and H.R. 558, which authorizes a member of the National Guard to enroll for individual or family coverage under the TRICARE program, a Department of Defense managed health care program.

3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and to every member of Congress elected from this State.

POM-190. A concurrent resolution adopted by the Legislature of the State of Texas relative to fully funding the National Aeronautics and Space Administration budget request in support

of the Space Exploration Vision for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION

Whereas, The Legislature of the State of Texas is pleased to pay tribute to National Aeronautics to Space Administration (NASA), whose intrepid explorations of space and important scientific discoveries have inspired and benefited the people of our nation and state; and

Whereas, The Space Exploration Vision has set a goal of returning the Space Shuttle to flight, completing assembly of the International Space Station, developing the Crew Exploration Vehicle, returning humans to the moon, and pursuing and human exploration of Mars and the solar system; and

Whereas, NASA's landmark achievement in putting the first man on the moon, astronaut Neil Armstrong, on July 20, 1969, captured the imagination of people everywhere; and

Whereas, This new and major accomplishment ushered in new and exciting technological advances that have benefited our nation's security and cellular communications; NASA has also advanced our health care system through the development of MRI and CAT scan technology, fetal heart monitors, programmable heart pacemakers, and other important medical devices; and

Whereas, Through education programs like Texas Aerospace Scholars, the NASA Explorer Schools, and the Network of Educator Astronaut Teachers, NASA is nurturing a new generation of explorers and scientists who can contribute to our nation's excellence; and

Whereas, NASA plays a vital role in the economy of the Lone Star State, by employing nearly 3,000 civil servants and approximately 13,000 contractors at the Johnson Space Center and by awarding almost \$4 billion worth of NASA contracts annually; small businesses across Texas with technical challenges have benefited from the support of the aerospace industry, NASA, and the State of Texas' support of the Technology Outreach Program, resulting in new business ventures within the state; and

Whereas, The Space Exploration Vision has the potential to further drive innovation, development, and advancement in the aerospace and other high technology industries across the nation and in the State of Texas; and

Whereas, The extraordinary contributions of NASA to science and technology are the pride of our state, and the Space Exploration Vision is truly deserving of legislative recognition; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge all members of the United States Congress to fully fund the National Aeronautics and Space Administration budget request in support of the Space Exploration Vision, as submitted to the congress for fiscal year 2006, to enable the United States, and the State of Texas, to remain leaders in the exploration and development of space; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the administrator of the National Aeronautics and Space Administration, to the President of the United States, to the Speaker of the House of Representatives and the president of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-191. A joint resolution adopted by the Legislature of the State of California rel-

ative to corporate average fuel economy standards; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION No. 5

Whereas, California has more than 26 million registered motor vehicles and

Whereas, California represents at least 12 percent of the light-duty vehicle market in the United States; and

Whereas, Californians consume more than 18 billion gallons of motor fuel annually; and

Whereas, A study adopted by the State Energy Resources Conservation and Development Commission (California Energy Commission) and the State Air Resources Board (California Air Resources Board) projects that demand for onroad gasoline fuel will increase by about 1.6 percent annually between now and 2020; that onroad diesel demand will increase by about 2.4 percent annually between now and 2020; and that the number of miles that Californians drive is growing at a rate greater than the population growth; and

Whereas, California's refineries are operating at near capacity, and California is importing more gasoline and diesel fuel annually to meet this growing demand; and

Whereas, The combination of greater dependence on imported fuels and vulnerability to refinery outages exposes California's economy to more frequent and higher fuel price spikes; and

Whereas, Fuel price spike vulnerability creates a business climate with diminished certainty about anticipated expenses; and

Whereas, Petroleum extraction, refining, and use are significant sources of pollution and environmental degradation in California and around the world; and

Whereas, Motor vehicle fuel economy dramatically affects fuel demand; and

Whereas, A study adopted by the California Energy Commission and the California Air Resources Board determined that doubling the fuel economy of the nation's light-duty motor vehicle fleet is technically achievable and will result in important reductions in consumer demand for fuel; and

Whereas, Only the federal government has the authority to require motor vehicle fuel economy improvements through the corporate average fuel economy (CAFE) standard; and

Whereas, In recent years, the nationwide motor vehicle fleet fuel economy has declined as motor vehicles have become larger, heavier, and less aerodynamic; and

Whereas, The United States Congress, through its legislative powers, and the President of the United States, through the President's administrative powers, are in position to require a significant increase in the CAFE standard; and

Whereas, The National Highway Traffic Safety Administration's current rulemaking raising CAFE standards for light-duty trucks and sport utility vehicles by just 1.5 miles per gallon above the 1996 levels, over three years, bringing total requirements far below requirements for passenger cars, is insufficient to address the critical need to improve fuel economy and reduce fuel demand; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Congress and the President of the United States to take necessary action to increase CAFE standards by at least 1.5 miles per gallon per annum until total average fuel economy for the new light-duty motor vehicle fleet sold in California is double today's average; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to all Members of the Congress of the United

States, and to the Administrator of the National Highway Traffic Safety Administration.

POM-192. A concurrent resolution adopted by the Legislature of the State of Texas relative to establishing a domestic energy policy that will ensure an adequate supply of natural gas, the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas production; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION

Whereas, The price of natural gas in the United States is among the highest in the industrial world and continues to show great volatility; and

Whereas, Abnormally high natural gas prices have been an unanticipated burden on the economy of the United States over the past 18 months; and

Whereas, The United States is reliant on natural gas in our national energy supply, and forecasts predict a future imbalance between natural gas supply and demand; and

Whereas, Manufacturers, farmers, small businesses, local governments, and retailers are struggling from the uncertainty in natural gas prices, and thousands of jobs are threatened because many businesses use natural gas as a raw material as well as a source of energy; and

Whereas, The natural gas imbalance is not a free-market problem; the high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply of natural gas by discouraging more exploration and production; and

Whereas, The United States needs policies to encourage and ensure the safe and efficient domestic production and importation of natural gas; and

Whereas, The State of Texas supports a sound, domestic energy policy; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the United States Congress to enact legislation in the 109th Congress establishing a domestic energy policy that will ensure an adequate supply of natural gas the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas production; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM-193. A resolution adopted by the General Assembly of the State of New Jersey relative to support for the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION No. 227

Whereas, The Passaic River Restoration Initiative (PRRI), a new cooperative approach to restore the Passaic River, will utilize the leadership of the [U.S.] United States Army Corps of Engineers, in partnership with the, [U.S.] United States Environmental Protection Agency, and various concerned federal, state and local agencies; and

Whereas, The Passaic River and its surrounding wetlands have been degraded as a

result of [the State's] commercial growth in the State that brought industrial development to the [Passaic's] shores of the Passaic River and surrounding properties; and

Whereas, The Passaic River, which traverses New Jersey through Newark, is an ideal pilot [for the proposed PRRI as appropriated by Congress] project to showcase nationally the restoration of urban waterways, wildlife habitat, and one of America's most historic rivers; and

Whereas, Under the PRRI, the [U.S.] United States Army Corps of Engineers will engage in a cooperative project planning and development process to identify and apply feasible solutions to achieve environmental restoration and economic revitalization of the Passaic River; and

Whereas, The results of the project development process will be incorporated in a report to Congress from the Chief of Engineers as project implementation will require authorization by Congress; and

Whereas, The PRRI is related to several other current major federal initiatives, such as those under [Brownfields Redevelopment] brownfields redevelopment, the NY/NJ Harbor Estuary Program, and the Natural Resources Damage Assessment and Restoration Program; and

Whereas, On April 11, 2000 the Committee on Transportation and Infrastructure in the United States House of Representatives approved a resolution authorizing the [U.S.] United States Army Corps of Engineers to conduct the Passaic River Environmental Restoration reconnaissance study, which is currently underway by the [Corps'] New York district of the United States Army Corps of Engineers; and

Whereas, It is in the best interest of the State to support the enactment of the Passaic River Restoration Initiative in order to restore and preserve [the Passaic River to] healthy environmental and economic conditions in and along the Passaic River; Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the United States Congress to support the Passaic River Restoration Initiative in order to restore and preserve the Passaic River to healthy environmental and economic conditions, and to provide the funding for the federal share of the project development process and the necessary study funds of the [U.S.] United States Army Corps of Engineers to advance the Passaic River Restoration Initiative.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law. Italic matter that follows the bold brackets is new matter.

POM-194. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to rejecting privatizing Social Security; to the Committee on Finance.

SENATE RESOLUTION NO. 94

Whereas, Social Security is based on a promise to the American people: if you work hard and contribute to Social Security, you will be able to retire and live in dignity; and

Whereas, Social Security is the primary source of income for two-thirds of American seniors; and

Whereas, The State of New Jersey recognizes that over 1,363,814 beneficiaries in this State, including 140,693 disabled workers and their families, as well as over 100,000 children, receive guaranteed Social Security benefits which allow them to live without falling into poverty or suffering from a diminished quality of life because of retirement, disability, or the death of a parent or spouse; and

Whereas, As of January 2005 (the most recent data available) Social Security benefits for retired workers average only \$965.32 per month, which amount is barely sufficient to maintain a decent standard of living in many parts of New Jersey, especially for seniors with relatively high health care costs; and

Whereas, The U.S. Congress has consistently spent the Social Security surplus on other programs including tax cuts, which has created a long-term funding shortfall; and

Whereas, In 2001 President George W. Bush created the President's Commission to Strengthen Social Security (referred to in this resolution as the "Bush Social Security Commission"), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security; and

Whereas, The Bush Social Security Commission's proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent; and

Whereas, Under the Bush Social Security Commission's proposal, the cuts in Social Security benefits would apply to all seniors, not just those who choose to participate in privatized accounts; and

Whereas, The cuts in Social Security benefits could be even deeper if individuals shift funds to privatized accounts; and

Whereas, Privatization advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent; and

Whereas, In order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as \$4,700,000,000,000 in Federal debt (in today's dollars) by 2042; and

Whereas, The non-partisan Congressional Budget Office (CBO) predicts that there will be no shortfall until 2052, when Social Security will be able to pay only 80% of recipients' benefits due to insufficient revenue from the payroll tax, if no action is taken in the meantime; and

Whereas, In the past, the Social Security Trust Fund has encountered similar challenges, including larger projected shortfalls during the 1980's, which were resolved without privatization schemes and without reducing guaranteed benefits for the elderly, the disabled, and children; and

Whereas, Private accounts would not only reduce guaranteed benefits, but would also speed up the Social Security shortfall, causing recipients to receive reduced benefits by the year 2018 instead of 2052; and

Whereas, The deep cuts in Social Security benefits proposed by the Bush Social Security Commission could jeopardize the financial security of not only thousands of New Jersey residents but also the security of millions of Americans; and

Whereas, Under President Bush's proposal, guaranteed Social Security protections to the elderly, disabled, survivors, and children will gradually erode for future generations, driving millions of Americans into poverty and destroying the most successful social insurance program ever created in the United States; and

Whereas, It is recognized that Social Security faces future challenges, but powerful members in both the President's party and the opposition do not find the solution in privatizing the most successful government program in our nation's history; now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. This House respectfully memorializes the Congress of the United States to reject the Social Security privatization proposals of the President's Social Security Commission that would create private accounts, require deep cuts in guaranteed Social Security benefits and lead to excessive federal borrowing.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be transmitted to the presiding officers of the Congress of the United States and each member of New Jersey's Congressional delegation.

POM-195. A concurrent resolution adopted by the Legislature of the State of Texas relative to eliminating current caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION

Whereas, Two major phases comprise the American system of medical education—medical school, consisting of classroom and clinical training, and the several years of graduate medical education completed during a student's residency, typically in an accredited medical education program at a teaching hospital or academic health center; and

Whereas, Significant funding for this post-graduate training is provided through Medicare's graduate medical education program, whereby the federal government reimburses teaching hospitals and certain other facilities for a portion of the costs associated with operating health education programs; and

Whereas, Medicare's funding includes two categories of reimbursement payments, direct graduate medical education payments and indirect graduate medical education payments; direct graduate medical education payments cover the costs of resident stipends, salaries for supervising faculty positions, and administrative expenses associated with the residency program; indirect graduate medical education payments cover the increased operating expenses resulting from training residents, such as greater technological needs, longer patient stays, and the ordering of a greater number of tests; and

Whereas, The amount of Medicare's reimbursement to a teaching hospital is partially determined by the number of full-time equivalent residents enrolled in the facility's graduate medical education program; however, in 1997, the federal Balanced Budget Act considerably reduced the amount of federal support for graduate medical education programs by limiting the number of full-time equivalent residents that hospitals can use in calculating direct graduate medical education payments and indirect graduate medical education payments and by scheduling an estimated 29 percent further reduction in indirect graduate medical education payments over a five-year period; and

Whereas, The rates of Centers for Medicare and Medicaid Services payments for direct graduate medical education in Texas are already significantly lower than those in many

comparable states, largely based on historical differences, and the potential consequences of these caps and the resulting reductions in federal graduate medical education reimbursement are severe; teaching hospitals and the training they provide to physicians and other health professionals are a critical component of the American health care system—these facilities are the vanguard of medical research and technology and provide a broader range of an increasingly diverse and sicker patient care to population than general hospitals; and

Whereas, In addition, teaching hospitals are a traditional fixture of the health care “safety net,” serving uninsured and underinsured patients; the importance of this service to Texans is evident in light of United States Census Bureau reports indicating that nearly 25 percent of the state’s population is not covered by health insurance; and

Whereas, More specifically, the resident caps threaten the future availability of health care professionals and with the population of the nation aging, the demand for doctors and other health care professionals is increasing; in fact, a 2003 study commissioned by the United States Department of Health and Human Services Bureau of Health Professions at the National Center for Health Workforce Analysis forecasts a greater need for physicians and nurses by 2020 if current health care consumption and physician productivity remain constant; and

Whereas, Furthermore, the study found that the health care workforce is also aging and will retire just as their services are most needed and that the proportion of the population age 18 to 30 is declining, impeding efforts to recruit an adequate number of new health care workers; and

Whereas, Congress has acknowledged the deleterious effects of the federal Balanced Budget Act caps and made bipartisan efforts to diminish its effect on graduate medical education programs; the Medicare, Medicaid, and State Children’s Health Insurance Program (SCHIP) Balanced Budget Refinement Act of 1999 froze indirect graduate medical education payments for one year and the Medicare prescription Drug, Improvement and Modernization Act of 2003 increased indirect graduate medical education payments slightly for federal fiscal years 2004 and 2005; and

Whereas, Nevertheless, these measures offered only brief and minor reprieves to the dramatic reductions in indirect graduate medical education reimbursement payments and did not directly address the issue of federal caps in resident training positions though, clearly, the caps and the decreased commitment to indirect graduate medical education funding continue to endanger the entire system of medical education in the United States; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully encourage the Congress of the United States to eliminate current caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-196. A joint resolution adopted by the Legislature of the State of California relative to port customs revenue; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION No. 21

Whereas, The State of California is committed to protecting and preserving its ports, and those employed in and around the ports; and

Whereas, The state supports the safe and reliable transportation of goods into and through the state; and

Whereas, California is home to more than 12 percent of the nation’s population; and

Whereas, The Ports of Los Angeles and Long Beach, which together transport 43 percent of the nation’s trade, 1 million cruise passengers, and more than \$200,000,000,000 in trade annually, comprise the largest port complex in the United States and the Western Hemisphere; and

Whereas, California serves as an international commerce gateway between the nation and most of its trade partners and, according to the California Transportation Commission, California moves over \$400,000,000,000 in goods annually with a source or destination outside of California; and

Whereas, Forecasts predict that the amount of trade transported through the state’s ports will triple by 2020 if adequate infrastructure improvements are completed; and

Whereas, California is the single largest trading entity in the United States, and three of the four largest volume container ports in the United States are located in California; and

Whereas, California ports, harbors, and businesses that depend on federal channels and breakwaters contribute more than \$40,000,000,000 per year to national economic output, 1.6 million jobs, and approximately \$21,000,000,000 annual personal income to the United States economy; and

Whereas, Federal grants for security upgrades mandated by the United States Department of Homeland Security amount to just over \$51,000,000, while it is estimated that these security upgrades will cost California’s three major container ports an estimated \$200,000,000 to install; and

Whereas, The American Association of Port Authorities has called for the federal government to provide \$400,000,000 in port security funds annually; and

Whereas, The United States Coast Guard has additionally estimated that it will require \$7,300,000,000 in federal funds for its own maritime security duties during 10-year period of 2003 to 2012, inclusive; and

Whereas, Limited federal port security funds have fallen short of fully funding port security needs throughout the nation; and

Whereas, On August 25, 2004, Stephen E. Flynn, the Jeanne J. Kirkpatrick Senior Fellow for National Security Studies at the Council on Foreign Relations testified to the House Subcommittee on Coast Guard and Maritime Transportation on the risk of terrorist attacks, stating that “the risk of harm is great or greater in the maritime and surface transportation modes”; and

Whereas, An internal audit report produced by the United States Department of Homeland Security entitled “Review of the Port Security Grant Program” criticized the ineffectiveness of the federal port security grant program stating, in part, that the “current design of the program compromises the program’s ability to direct resources toward the nation’s highest priorities”; and

Whereas, A Public Policy Institute of California study entitled, “Federal Formula Grants and California: Homeland Security,” has found that California receives only \$5 per

person to distribute to first responders in the state, while other states, such as Wyoming, received more than \$38 per capita in 2004; and

Whereas, California received only \$23.71 per capita in Homeland Security grant funding during fiscal years 2002–03 and 2003–04, ranking 44th in the nation; and

Whereas, Federal port security grants cannot be used for maintenance and operations expenditures related to security, thereby complicating emergency communications and operations duties expected of first responders; and

Whereas, A number of ports are located on state tidelands and, therefore, must act as stewards of the land and manage those lands in a manner that benefits all Californians; and

Whereas, A shut down of the ports can result in an estimated loss to the national economy of more than \$1,000,000,000 per day, as demonstrated during the shutdown of the west coast ports in 2002; and

Whereas, California ports are responsible for \$8,000,000,000 of the \$20,000,000,000 that the United States Customs Service collects annually in fees and duties, and none of that revenue is reinvested in the state’s or country’s system for moving goods because customs fees are deposited into the General Fund; Now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase federal funding for California’s ports for infrastructure and security improvements; and be it further

Resolved, That legislation be enacted, in recognition of the unique role served by ports in California, to ensure a return of an equitable share of the customs revenues generated by, and collected from, this state; and be it further

Resolved, That the Legislature supports efforts by California’s congressional and senate representatives to obtain an equitable share of federal port security and goods movement infrastructure funding and encourages those representatives to support measures that will guarantee that California has the funds necessary to secure and facilitate commercial activity at its many ports; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the Director of the Department of Homeland Security.

POM-197. A joint resolution adopted by the Legislature of the State of California relative to Darfur; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION No. 6

Whereas, Sudan’s government and southern rebels have come to an historic, long-awaited agreement that ends Africa’s longest civil war and brings hope to millions of exiled Sudanese yearning to return home; and

Whereas, Continued violence in the troubled region of Darfur, Sudan, previously described by the Bush administration as genocide, cast a shadow over the agreement, which does not cover the Darfur conflict; and

Whereas, Darfur, an area of 256,000 square kilometers constituting the western region of the Sudan, is home to an estimated five million people, a population made up of a complex tribal mix; and

Whereas, Large swathes of Darfur have been prone to drought and desertification, intensifying demands on its more fertile

lands, making areas of Darfur subject to sporadic intertribal clashes over use of resources in recent decades; and

Whereas, The government of the Sudan appears to have sponsored a militia composed of a loose collection of fighters, apparently of Arab background, known as the "Janjaweed"; and

Whereas, With the active support of the regular army, the Janjaweed have attacked villages, targeting those suspected of supporting the rebels and committing numerous human rights violations; and

Whereas, The humanitarian consequences of the situation in Darfur are grave, with an estimated 70,000 innocent civilians brutally murdered, and according to the Office of the United Nations High Commissioner for Refugees, an estimated 1,600,000 people internally displaced, and more than 200,000 people forced from their homes and fleeing to neighboring Chad; and

Whereas, The government of the Sudan should, at the highest levels, publicly and unequivocally condemn all violations of human rights and international humanitarian law, investigate those violations, and bring the perpetrators to justice; and

Whereas, The Janjaweed and other militias should be immediately disarmed and disbanded, and humanitarian workers must be given full and unimpeded access to Darfur; and

Whereas, Refugees and displaced persons should be permitted to return to their lands and homes voluntarily, and should receive restitution or fair compensation for their losses; and

Whereas, Fundamental human rights must be respected in times of peace and in times of armed conflict; and

Whereas, The Sudan is a party to several core human rights treaties, including the International Covenant and Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and the African Charter on Human and Peoples' Rights; Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That it is the sense of the Legislature of the State of California that the government of the Sudan should, at the highest levels, publicly and unequivocally condemn all actions and crimes committed by the Janjaweed, ensure that all militias are immediately disarmed and disbanded, and pursue a policy of national reconciliation, ending impunity and ensuring the rule of law and the protection of minorities; and be it further

Resolved, That it is the further sense of the Legislature that humanitarian workers must be given full and unimpeded access to Darfur in order to ensure that there is no blockage in the delivery of much-needed humanitarian assistance; and be it further

Resolved, That it is the further sense of the Legislature that the government of the Sudan should put in place measures to ensure that human rights abuses, war crimes, and crimes against humanity are not repeated in the future and that the rule of law is restored in Darfur in conformity with internationally agreed standards; and be it further

Resolved, That the Legislature respectfully requests that the President and Congress of the United States continue to take all prudent and necessary steps to ensure that these matters are addressed at the highest levels of the federal government; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Rep-

resentative from California in the Congress of the United States, to the United States Secretary of State, and to the Secretary General of the United Nations.

POM-198. A joint resolution adopted by the Legislature of the State of Colorado relative to expressing sympathy for the victims of the earthquake and tsunamis that occurred on December 26, 2004, and thanking Coloradans for their generous charitable donations; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION 05-1005

Whereas, On the morning of December 26, 2004, one of the largest earthquakes in recent memory registering a magnitude of 9.0 occurred undersea in the Indian Ocean, setting off one of the largest tsunamis in recorded history that killed tens of thousands of people in Southeast Asia; and

Whereas, The tsunamis crossed into the Pacific Ocean and were recorded as far away as New Zealand and along the west coast of South and North America; and

Whereas, The earthquake and resulting tsunamis affected a large number of countries, including Indonesia, Sri Lanka, India, Thailand, Myanmar, Malaysia, the Maldives, and Somalia; and

Whereas, At least 150,000 people have lost their lives in East Africa and Southeast Asia in the aftermath of the earthquake and resulting tsunamis; and

Whereas, Millions of people remain homeless and at risk from disease; and

Whereas, Thousands of people are still missing, and the death toll continues to grow; and

Whereas, Aid workers and volunteers are focused on stopping the spread of disease and on delivering food and drinking water to survivors; and

Whereas, Coloradans have always stepped forward to help in times of need by providing financial, material, and medical assistance; and

Whereas, The American Red Cross reports that emergency assessment and first-aid teams were on the ground quickly and are working with local groups to support relief efforts; and

Whereas, The people of Colorado have shown their generosity by donating thus far \$4.1 million statewide to the various chapters of the American Red Cross, \$3.5 million of which has been donated to the Mile High Chapter of the American Red Cross; and

Whereas, Chennai, India became Denver's 7th sister city in 1984 and has been deeply affected by the tsunamis in that more than 6,000 people in Chennai were killed; and

Whereas, Local radio and television stations and various local groups are contributing their time and efforts to help provide financial assistance for areas devastated by the tsunamis, including Chennai; and

Whereas, The United States government has pledged \$350 million in aid, to meet the overwhelming needs of the tsunami victims; now, therefore, be it

Resolved, by the House of Representatives of the sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein:

1. That we, the members of the Colorado General Assembly, hereby express our sorrow to each of the countries affected by the earthquake and tsunamis and for the terrible loss of life and suffering caused by the earthquake and tsunamis; and

2. That we, the members of the Colorado General Assembly, hereby offer our condolences to the victims of the earthquake and tsunamis and their loved ones; and

3. That we, the members of the Colorado General Assembly; hereby express our heart-

felt thanks to all Coloradans for their generous charitable donations for the victims of the earthquake and tsunamis, be it further

That copies of this Joint Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's congressional delegation.

POM-199. A Senate Joint Resolution adopted by the Legislature of the State of Colorado relative to a reaffirmation by the Colorado General Assembly of the strong bonds connecting the United States and the State of Israel and an expression by the Colorado General Assembly of support and solidarity with the State of Israel in its struggle against terrorism; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 05-038

Whereas, On November 29, 1947, the United Nations General Assembly voted to partition the British mandate of Palestine and, by that vote, created the state of Israel; and

Whereas, On May 14, 1948, the people of the state of Israel proclaimed the establishment of the sovereign and independent state of Israel; and

Whereas, The United States government recognized the state of Israel just minutes after its declaration of independence and, at that time, established full diplomatic relations with the nascent state; and

Whereas, The establishment of the state of Israel as a modern homeland for the Jewish people followed the extermination of more than six million European Jews during the Holocaust; and

Whereas, Since its establishment fifty-seven years ago, the Israeli people have built a modern nation, forged a new and dynamic society, and created a unique and vital economic, cultural, and intellectual life while confronting immense pressures and burdens associated with war, terrorism, ostracism from much of the international community, and economic boycotts; and

Whereas, In spite of this severe degree of adversity confronting them since 1948, including the War of Independence, the Six-Day War, the Yom Kippur War, and the terrorist attacks of the two Intifadas, the people of the state of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees fundamental freedoms of speech and of the press, free, fair, and open elections, and respect for the rule of law; and

Whereas, At great financial and social cost, Israel has absorbed several millions of immigrants from many nations around the world and has made great strides in fully integrating these immigrants into Israeli society; and

Whereas, For over half a century, the people of the United States and the people of the state of Israel have created and maintained a special relationship based upon mutually shared democratic values, common strategic interests, and the bonds of friendship and mutual respect; and

Whereas, The bonds connecting the United States and Israel include increased economic ties between the two nations, particularly increased trade between Colorado and Israel as evidenced by the following facts: In 2003, Colorado exported approximately \$38 million worth of goods to Israel; total Colorado exports to Israel have exceeded \$250 million since 1991; in 2003, Israel ranked as Colorado's 21st leading trade partner; and collaboration between Colorado-based and Israeli business concerns is taking place in, among other things, the areas of advanced technology, telecommunications, and health care; and

Whereas, The bonds connecting the United States and Israel also include greater collaboration between scientific researchers in both nations, including researchers in Colorado and Israel, and researchers in Colorado and Israel are collaborating on scientific projects involving, among other things, atmospheric science, applied chemistry and physics, medicine, and agriculture; and

Whereas, The United States also has benefited from the exchange of technology and expertise from Israel in the area of homeland security, providing invaluable benefits to our nation in combating and responding to terrorism; now, therefore, be it

Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That we, the members of the General Assembly of the state of Colorado, hereby reaffirm the strong bonds that have connected the people of the United States and the people of the state of Israel together through turbulent times for more than half a century.

(2) That we commend the people of the state of Israel for their remarkable achievements in building a democratic and pluralistic society in the wake of almost unrelieved adversity spanning the entirety of the nation's existence.

(3) That we express empathy with the people of the state of Israel as they endure a daily struggle against terrorism and violence and support efforts to bring security to the Jewish and democratic state of Israel.

(4) That we express outrage against, and in the strongest possible terms condemn, all acts of terror perpetrated against the Israeli people with the intent and effect of murdering Israeli civilians, including women and children.

(5) That we support the brave efforts of the government and people of Israel in pursuing peace by way of negotiation.

(6) That we applaud the government of Israel's difficult and painful decision to disengage from Gaza and the northern section of the West Bank in order to advance peace negotiations.

(7) That we reaffirm the commitment of the American people to a just, lasting, and secure peace for the people of the state of Israel and all of the peoples of the Middle East, be it further

Resolved, That copies of this Joint Resolution be sent to President George W. Bush, Vice President Richard B. Cheney, Israeli Prime Minister Ariel Sharon, His Excellency Daniel Ayalon, the Ambassador of Israel to the United States, and to each member of Colorado's congressional delegation.

POM-200. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services, and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION

Whereas, The State of Texas is the second most populous state in the United States and currently registers more than 1,000 births per day; and

Whereas, Texas has a 1,254-mile international border with the United Mexican States with millions of border crossings and thousands of international flights arriving in Texas each year, and 10 percent of Texans living on the border with Mexico; and

Whereas, Mexico is the United States' second-largest trading partner and, according to the Center for Transportation Research at The University of Texas at Austin, 76 percent of all U.S. trade with Mexico passes through Texas; and

Whereas, The nation's food industry has a pivotal role in the health and bio-security of all Americans, and Texas is the nation's second largest agricultural producing state; and

Whereas, Preventing infectious livestock and plant diseases and protecting our food supply goes a long way toward ensuring both human health and economic stability in Texas and the United States; and

Whereas, Serving as an infectious disease buffer zone for the rest of the United States, Texas faces a significant burden regarding a number of diseases, with the rate of waterborne diseases such as hepatitis A and amebiasis in the Texas counties bordering Mexico that has, as an example, been reported to be two to three times greater than the statewide average; in 2003, the rate of tuberculosis incidence per 100,000 in population was nearly twice that of non-border counties; and

Whereas, The condition of public health within Texas, particularly along the international border, is clearly critical to that of the entire country; and

Whereas, With more than 22 million residents, Texas also faces a number of other alarming public health issues, such as obesity, cardiovascular disease, and diabetes; in 2003, the Texas Department of Health reported that 39 percent of Texas fourth-graders, 38 percent of eighth-graders, and 61 percent of Texas adults were overweight or obese; and

Whereas, Heart disease and stroke are the number one and number three causes of death in Texas, accounting for approximately 54,000 deaths each year in Texas; and

Whereas, The Texas Diabetes Council estimates that more than one million adults in Texas have been diagnosed with diabetes and more than 500,000 adults are believed to have undiagnosed diabetes; and

Whereas, An increased presence and resources from the Centers for Disease Control and Prevention could help prevent vaccine-preventable childhood and adult diseases and prevent and control the introduction of lethal diseases such as tuberculosis and SARS, which could potentially lead to catastrophic consequences in terms of morbidity, mortality, health care costs, and statewide impact; and

Whereas, Partnerships and coordination between the State of Texas and the Centers for Disease Control and Prevention could greatly enhance protection against the spread of infectious disease, further obesity prevention activities, and improve early detection, treatment, and self-management of chronic diseases such as heart disease and diabetes; and

Whereas, Texas' growing population, demographic diversity, and border with the United Mexican States present unique challenges to providing quality health care to its citizens; as a buffer to the remainder of the United States against infectious disease and contamination of the country's food supply, the State of Texas merits additional resources to provide for the health of its residents and, ultimately, to safeguard the health of the entire United States; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby strongly encourage the United States Congress to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services,

and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America and that copies also be forwarded to the secretary of the United States Department of Health and Human Services and the director of the Centers for Disease Control and Prevention.

POM-201. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 166

Whereas, More than four million Texans are at or below 125 percent of Federal poverty guidelines, but only 173,323, or 4.3 percent, are served by the Federal Low Income Home Energy Assistance Program (LIHEAP), according to the Texas Department of Housing and Community Affairs (TDHCA), which administers the program in our State; and

Whereas, Income guidelines for LIHEAP, which provides funding for the Weatherization Assistance Program and the Comprehensive Energy Assistance Program at TDHCA, allow households to have income levels of up to 125 percent of current poverty guidelines; however, based upon 2000 census data, Texas has more than three million persons who are at or below 100 percent of the poverty guidelines; and

Whereas, Home energy assistance is particularly important in Texas due to the intense heat, which is a critical health threat to the elderly, persons with disabilities, and very young children; in fact, the Texas Department of Health reports that in our State more individuals die due to heart-related stress than exposure to excessive cold; and

Whereas, LIHEAP funds are distributed based on an outdated formula that disproportionately favors heating degree days in northern States over cooling degree days in southern States and does not utilize the most current State-specific population, income, and energy price data; and

Whereas, While funding was close to level from Federal fiscal year 2003 to 2005, the recent increase in energy costs has further reduced the already limited number of eligible Texans who can be served by LIHEAP; and

Whereas, Current appropriations for LIHEAP do not include advance funds, which are vital to ensuring the timely and orderly delivery of services during the period after funding for the program is authorized by Congress and before Texas is notified of its final appropriation level for the program year; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to

the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-202. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to enacting legislation to make English the official language of the United States; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 6

Whereas, English is the national language of the United States only by custom, not by law; and

Whereas, the United States is comprised of individuals from many ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity; and

Whereas, these individuals, although keeping their ethnic background alive, were urged to take advantage of the educational system which taught them the English language and United States history; and

Whereas, throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language; and

Whereas, command of the English language is necessary to participate in, and take full advantage of, the opportunities afforded by life in the United States; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby urges the United States Congress to pass H.R. 997, "The English Language Unity Act of 2003," to establish English as the official language of the United States; and

That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Majority Leader of the United States Senate, and to members of the New Hampshire congressional delegation.

POM-203. A concurrent resolution adopted by the Senate of the Legislature of the State of Missouri relative to urging the United States Congress to authorize and appropriate full funding required to establish the Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, musculoskeletal conditions are responsible for approximately 50 percent of all health-related military disability discharges and the most common non-traumatic cause of functional impairment during military operations; and

Whereas, chiropractic services often are used to treat musculoskeletal conditions, and Congress established chiropractic benefits and services for both active duty military within the U.S. Department of Defense and for veterans within the Veterans' Affairs health care systems; and

Whereas, doctors of chiropractic practice are in nearly 50 military treatment facilities, primarily testing musculoskeletal conditions and slowly are being added to the VA health care system; and

Whereas, there currently is no enterprise coordinating and guiding collaborative research efforts between preeminent chiropractic colleges, scientists, and the military researchers to address the primary questions surrounding integration of chiropractic into military health care environments; and

Whereas, there is a critical need to establish a robust, collaborative, national program to address the continued integration of chiropractic health care into the Department of Defense health care systems; and

Whereas, Logan College of Chiropractic and the Samuels Institute have proposed the establishment of a plan to create a new consorsial Chiropractic Center for Military Research in Chesterfield, Missouri, on the campus of Logan College; and

Whereas, the Center will facilitate development of research capacity in the area of musculoskeletal research, education and training through linkages with researchers and scientists at chiropractic educational institutions with researchers within the Department of Defense and with scientists and researchers at the Samuels Institute; and

Whereas, the research program to be pursued by the collaborative consorsial Chiropractic Center for Military Research will focus special, initial priority consideration on those musculoskeletal conditions that are affecting those active duty military and veterans participating in or returning from combat in Afghanistan and Iraq, including the role of chiropractic manipulation in the total care of those with amputations and prosthetics; Now, therefore be it

Resolved, That the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, urge the United States Senate and the United States House of Representatives to authorize and appropriate full funding required to establish the proposed Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; and be it further

Resolved, That the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

POM-204. A joint resolution adopted by the Legislature of the State of California relative to Dr. Dalip S. Saund; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, Dr. Dalip S. Saund immigrated to the United States from India at a time when Indian nationals were denied eligibility for American citizenship; and

Whereas, Thanks to his initiative and the help of Indians in California and New York, Congresswoman Clare Booth Luce and Congressman Emanuel Celler were convinced to jointly introduce a bill in the United States Congress to allow Indian nationals to become American citizens, and after a long and hard struggle the bill was signed by President Truman on July 3, 1946; and

Whereas, Though Dr. Saund had started as a farmhand, he obtained a Ph.D. from the University of California at Berkeley; and as a naturalized citizen started taking an active role in the political process of his adopted homeland; and

Whereas, In June 1950, he won his first political battle when he ran for and won a seat on the Imperial County Democratic Central Committee; and

Whereas, In November 1950, he was elected as a judge in Westmorland due to his exemplary grassroots campaign, but because he had not been a citizen for one full year the judgeship was denied him; and

Whereas, In 1952, he ran again for the judgeship against the incumbent and won, serving as judge in Westmorland for four years; and

Whereas, In October 1955, Dr. Saund became a candidate for Congress from the 29th Congressional District, facing a highly celebrated opponent who had rich supporters and who was a personal friend of the then President of the United States; and

Whereas, With the help of dedicated volunteers, Dr. Saund carried out an intensive campaign of voter registration, passed out thousands of "Saund circulars," visited thousands of homes, and thus made a definite impact on voters, resulting in the election of the "first native of Asia" to the United States Congress on November 6, 1956; and

Whereas, Today, the population of Asian Americans in the United States is in excess of 10 million, and Asian Americans, and particularly Indian Americans, seeking political office invoke Dr. Saund's name, much the same way as Dr. Saund himself invoked President Lincoln's name, as a source of inspiration and a worthy role model; and

Whereas, November 6, 2006, marks the 50th anniversary of the historic election of Dr. Saund to the United States Congress; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the first Asian member of Congress, Dr. Dalip S. Saund; and be it further

Resolved, That the Legislature urges all Californians to celebrate September 20 of each year, Dalip S. Saund's birthday, in recognition of his outstanding achievement as the first native of Asia to be elected to Congress; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, to the Citizens' Stamp Advisory Committee, and to the United States Postal Service.

POM-205. A joint resolution adopted by the Legislature of the State of California relative to ZIP Codes; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, Many communities in California have the advantage and convenience of possessing ZIP Codes that are unique to their respective communities; and

Whereas, The private development sector measures economic feasibility for investing in local communities based on data collected by ZIP Codes; and

Whereas, Sales taxes, franchise fees, federal funding, and other city revenue sources are traced through ZIP Codes; and

Whereas, Cities who share ZIP Codes may lose a portion of their revenue stream to other jurisdictions which the post office recognizes as the primary geographic area for that particular ZIP Code; and

Whereas, Unique ZIP Codes help to develop a city's identity so that citizens can rightfully participate in their local election processes holding their own elected officials accountable; and

Whereas, Local political and fiscal accountability is the cornerstone of democracy; and

Whereas, The ZIP Codes have a wider application than the delivery of mail to the cities in California; and

Whereas, The United States Postal Service advises residents and businesses to identify their address by post office address rather than city address to ensure proper mail delivery; and

Whereas, Several cities in California also contain shared ZIP Codes and may not be aware of the negative impact such an arrangement may have on their community; now, therefore, be it

Resolved by the Assembly and, the Senate of the State of California, jointly, That the Legislature urges the United States Postmaster to create ZIP Codes that do not encompass more than one municipality; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Minority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and the United States Postmaster.

POM-206. A concurrent resolution adopted by the Legislature of the State of Texas relative to supporting parity for Mexican visitors to the United States by enacting legislation that would allow them the same six-month length of stay afforded to Canadian travelers; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 13

Whereas, Canadian travelers to the United States may stay in this country for up to six months, while Mexican visitors only recently gained the right to a 30-day stay with a laser visa under an expansion of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program, which previously limited such stays to 72 hours and no more than 25 miles inside the U.S. border; and

Whereas, Aside from adversely affecting international goodwill between the United States and its neighbors to the north and south by the disparate treatment of their citizens, this disparity also has a negative impact on the economic stability of the U.S.-Mexico border; and

Whereas, If Mexican tourists, businesspersons, and other short-term travelers received the same opportunities to visit and do business in the United States as their Canadian counterparts, it would facilitate business between the United States and Mexico, boosting the U.S. and Texas economies; and

Whereas, El Paso and other Texas border communities that directly benefit from cross-border travel may expect a dramatic increase in local economic development if the length of stay for Mexican nationals with laser visas is extended from 30 days to six months; and

Whereas, Local community leaders attending a recent gathering of the U.S. Hispanic Chambers of Commerce were assured by U.S. Department of Homeland Security Undersecretary Asa Hutchinson that the Bush Administration supports treating all international guests equally; and

Whereas, U.S. Senator John Cornyn and U.S. Representative Ruben Hinojosa, both of Texas, introduced legislation in the 108th Congress (S. 1908 and H.R. 3488, respectively) to allow Mexican nationals currently admissible under laser visa border crossing regulations to enter the United States as six-month nonimmigrant visitors; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to support parity for Mexican visitors to the United States

by enacting legislation that would allow them the same six-month length of stay afforded to Canadian travelers; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the U.S. Department of Homeland Security and U.S. Department of State and to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-207. A joint resolution adopted by the Legislature of the State of California relative to the 32nd anniversary of *Roe v. Wade*; to the Committee on the Judiciary.

Whereas, January 22, 2005, is the 32nd anniversary of the historic United States Supreme Court decision in *Roe v. Wade* (1973) 410 U.S. 113, guaranteeing women's reproductive rights, an occasion deserving of celebration and special public commendations; and

Whereas, The 1973 decision in *Roe v. Wade* established constitutionally based limits on the power of states to restrict the right of a woman to choose to terminate a pregnancy; and

Whereas, *Roe v. Wade* is one of the most significant Supreme Court decisions in the 20th century promoting women's rights; and

Whereas, Reproductive rights are central to the ability of women to exercise their full rights under federal and state law; and

Whereas, It is the right of every American woman to determine when, if, and with whom to have children, and how many children to have; and

Whereas, Women's ability to control their reproductive lives has facilitated their equal participation in the economic and social life of the nation; and

Whereas, The state should not interfere with a woman's decision to either bear a child or terminate a pregnancy through a safe and legal abortion; and

Whereas, Women should not be forced into illegal and dangerous abortions, as they often were prior to the *Roe v. Wade* decision; and

Whereas, During the first half of the 20th century, illegal abortions accounted for about 50 percent of all maternal deaths; and

Whereas, *Roe v. Wade* has significantly reduced the mortality rate for women terminating their pregnancies; and

Whereas, *Roe v. Wade* continues to protect the health and freedom of women throughout the United States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Congress and the President of the United States to protect and uphold the intent and substance of the 1973 United States Supreme Court decision in *Roe v. Wade*; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all Members of the Congress of the United States.

POM-208. A Senate Joint Memorial adopted by the Legislature of the State of Colorado relative to proposing an amendment to the United States Constitution requiring that the total amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 05-007

Whereas, In 1998, the federal budget reported its first surplus, \$69 billion, since 1969; and

Whereas, From 1998 through 2001, the United States experienced 4 surpluses in a row and in 2001, the surplus reached \$128 billion; and

Whereas, The last time the United States had 4 surpluses in a row was over 70 years ago, from 1927-30; and

Whereas, Since 2001, the budget surpluses, which were projected to continue until 2008, have disappeared, and the total budget deficit for the 2004 fiscal year was about \$412 billion; and

Whereas, Due to congressional overspending, the budget deficit for the 2005 fiscal year could be around \$394 billion, according to the Congressional Budget Office's budgetary projections; and

Whereas, President Bush's \$2.57 trillion dollar budget request estimates a budget deficit of \$427 billion, which includes additional funding for the ongoing military operations in Iraq and Afghanistan; and

Whereas, President Bush's \$427 billion deficit estimate is approximately 17% of the federal budget, which would be the equivalent of a \$2.58 billion deficit for the state budget if Colorado's deficit equaled 17% of the state's \$15.2 billion budget; and

Whereas, The federal deficit is expected to remain around \$250 billion each year for the next 5 years, unless drastic cuts to programs or significant increases to taxes are made; and

Whereas, The Congressional Budget Office projects a cumulative deficit of \$2.6 trillion over the next 10 years; and

Whereas, The federal public debt has increased and is now more than \$7.6 trillion, an amount equaling approximately \$121,000 for each American family or over \$25,000 for every man, woman, and child; and

Whereas, The baby boomer generation will soon retire, leaving less tax revenue and a higher drain on social services; and

Whereas, In fiscal year 2004, \$321 billion was paid in interest on the federal debt, which is 13% of the total federal budget, the third largest expense in the federal budget, according to the National Debt Awareness Center; and

Whereas, Fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for future generations; and

Whereas, Continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, The federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, The Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition in the United States Congress repeatedly has thwarted the will of the people that a balanced budget amendment to the Constitution be submitted to the states for ratification; now, therefore, be it

Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the state of Colorado requests the United States Congress to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the United States Constitution requiring that, in the absence of a war or national emergency, the total of

all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved, That copies of this Joint Memorial be sent to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each member of Colorado's congressional delegation.

POM-209. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION 138

Whereas, Our veterans who live in South Texas have served their country bravely and risked their lives to preserve our country's freedom and democracy, and their sacrifices in our behalf are deserving of a veterans hospital to meet their health care needs; and

Whereas, Regrettably, South Texas currently lacks adequate health care resources for these proud men and women; the sole outpatient clinic in the eight-county area at the southern tip of Texas has limited hours of operation and must refer patients to other facilities for special tests or treatments; in addition, the nearest veterans hospital to the region with inpatient acute medical and surgical care and extended care is more than 250 miles away in San Antonio; and

Whereas, Veterans in Cameron, Hidalgo, Starr, and Willacy Counties alone number greater than 46,000, and a May 2004 report by the Department of Veterans Affairs (DVA) acknowledged the need for improved and expanded medical facilities for veterans in South Texas; and

Whereas, Despite this assessment, however, the DVA has planned only the addition of 10 contract beds in Harlingen's Valley Baptist Medical Center; and

Whereas, Weslaco is located in the center of the Rio Grande Valley, less than one hour's drive from McAllen, Harlingen, and Brownsville, making it a convenient site for a hospital to serve the area's veterans; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas respectfully urge the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas, to serve the more than 46,000 veterans in South Texas who have bravely defended and served our country; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the secretary of veterans affairs, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-210. A resolution adopted by the General Assembly of the State of New Jersey relative to rejecting provisions in the President's proposed federal budget that would result in the loss of funding for Veterans' Memorial Homes in New Jersey; to the Committee on Veterans' Affairs.

ASSEMBLY RESOLUTION No. 263

Whereas, The President's proposed federal budget for fiscal year 2006 contains reduc-

tions to veterans' programs that would result in the loss of funding for the Veterans' Memorial Homes in this State; and

Whereas, The proposed budgetary reductions would hinder this State's ability to operate its three Veterans' Memorial Homes and may result in the closure of one or more of the homes if an alternate funding source is not provided; and

Whereas, The three Homes currently have a resident population of 812 veterans and the funding reductions contained in the President's budget would [cut that population] *reduce the number of veterans eligible for federal funding to 159 [residents]; and*

Whereas, Under the President's proposed budget, the Veterans' Memorial Homes would not meet the criteria for *retaining* federal matching funds [for] *invested in* construction, thereby requiring the State to reimburse the federal government for construction costs totaling approximately \$53.3 million; and

Whereas, The proposed reductions to veterans' programs contained in the President's budget would negatively impact New Jersey's ability to care for its veterans; now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

1. This House urges Congress to reject provisions in the President's proposed federal budget that would result in the loss of funding for Veterans' Memorial Homes in this State.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, every member of this State's Congressional delegation and the Governor.

POM-211. A resolution adopted by the Municipal Legislature of Mayaguez, Puerto Rico relative to the rejection of imposition of the death penalty for crimes committed in Puerto Rico; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1855. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 1856. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 1857. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself and Mr. FRIST):

S. 1858. A bill to provide for community disaster loans; considered and passed.

By Mr. BURR (for himself, Mr. ALLEN, Mr. DEMINT, and Mr. TALENT):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. FRIST, and Mr. ALEXANDER):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use

of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KOHL, Mr. LEVIN, and Mr. KENNEDY):

S. 1861. A bill to amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. JOHNSON, and Mrs. FEINSTEIN):

S. 1862. A bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes; to the Committee on Foreign Relations.

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. CONRAD, Mr. BUNNING, Mr. CRAPO, Mr. HARKIN, Mrs. LINCOLN, and Mr. THOMAS):

S. 1864. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mrs. DOLE (for herself, Mr. BURR, and Mr. ISAKSON):

S. 1865. A bill to establish the SouthEast Crescent Authority and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. DODD, Mr. STEVENS, Mr. AKAKA, Mr. WARNER, Ms. LANDRIEU, Mr. DEWINE, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. JOHNSON, Mr. ENZI, Mr. KERRY, Mr. COCHRAN, Mr. LEVIN, Mr. LOTT, Mr. BIDEN, Mr. ALLEN, Ms. STABENOW, Mr. INHOFE, Mr. DURBIN, Mr. ENSIGN, Mr. ROCKEFELLER, Mr. CORNYN, Mr. BURNS, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. TALENT, Mrs. DOLE, Mr. CRAIG, and Mr. MARTINEZ):

S. Res. 271. A resolution designating the week beginning October 16, 2005, as "National Character Counts Week"; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. SPECTER, Mrs. CLINTON, Mr. OBAMA,

Mr. BAYH, Ms. MIKULSKI, Mr. PRYOR, Mr. BINGAMAN, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Ms. STABENOW, Mr. CORZINE, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, Mr. CRAPO, Mr. LAUTENBERG, Mr. COCHRAN, Mr. COLEMAN, Mr. HAGEL, Mr. SALAZAR, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. REID, and Mr. KERRY):

S. Res. 272. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mrs. BOXER, Ms. COLLINS, Mr. AKAKA, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW):

S. Con. Res. 58. A concurrent resolution supporting "Lights On Afterschool", a national celebration of after school programs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 685

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 994

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachu-

setts (Mr. KENNEDY) was added as a cosponsor of S. 994, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1438

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1438, a bill to provide for immigration reform.

S. 1700

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1740

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1798

At the request of Mr. CORZINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1798, a bill to amend titles XI and XVIII of the Social Security Act to prohibit outbound call telemarketing to individuals eligible to receive benefits under title XVIII of such Act.

S. 1808

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1814

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1814, a bill to amend the Servicemembers Civil Relief Act and the Housing and

Urban Development Act of 1968 to enhance protections for servicemembers and their dependents, and for other purposes.

S. 1828

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1828, a bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. ALLEN, Mr. DEMINT, and Mr. TALENT):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable and Reliable Gas Act of 2005".

SEC. 2. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) (as amended by the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106)) is amended by striking the second clause (v) and inserting the following:

"(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004 in all State implementation plans.

"(II) The Administrator, in consultation with the Secretary of Energy, shall determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans and shall publish a list of such fuels, including the states and Petroleum Administration for Defense District in which they are used, in the Federal Register no later than 90 days after enactment.

"(III) The Administrator shall remove a fuel from the list published under subclause (II) if a fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator and shall reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

"(IV) Subclause (I) shall not limit the Administrator's authority to approve a control or prohibition respecting any new fuel under this paragraph in a State's implementation plan or a revision to that State's implementation plan after the date of enactment of this Act if such new fuel completely replaces a fuel on the list published under subclause (II).

"(V) The Administrator shall have no authority under this paragraph, when considering any particular State's implementation

plan or a revision to that State's implementation plan, to approve any fuel unless that fuel was, as of the date of such consideration, approved in at least one State implementation plan in the applicable Petroleum Administrator for Defense District. However, the Administrator may approve as part of a State implementation plan or State implementation plan revision a fuel with a summertime Reid Vapor Pressure of 7.0 psi. In no event shall such approval by the Administrator cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

“(VI) Nothing in this clause shall be construed to have any effect regarding any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with subsection (b) after the enactment of this subclause.

“(vii)(I) The provisions of clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause V of this clause is accomplished. Once such harmonization has been accomplished, clause (v) shall sunset and the limitations of the authority of the Administrator under subclause (IV) of this clause shall apply.

“(II) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the ‘Secretary’), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b) of this Act. The list shall be referred to as the ‘Federal Fuels List’ and shall include one Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations in effect as of the date of enactment and shall permit the implementation of one alternative diesel fuel, approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity. None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(III) Gasolines and diesel fuels shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Sec-

retary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(IV) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not one of the fuels on the Federal Fuels List; or to approve a State's plan or plan revision to move from one fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas. The Administrator's finding shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

“(V) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.”

(b) BOUTIQUE FUELS.—Section 1541 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

“(C) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

“(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall undertake a study of the effects on air quality, on the number of fuel blends, on fuel availability, on fuel fungibility, and on fuel costs of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)).

“(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including one on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(3) CONDUCT OF STUDY.—In carrying out their joint duties under this section, the Administrator and the Secretary shall use sound science and objective science practices, shall consider the best available science, shall use data collected by accepted means and shall consider and include a description of the weight of the scientific evidence. The Administrator and the Secretary shall coordinate the study required by this section with other studies required by the act and shall endeavor to avoid duplication of effort with regard to such studies.

“(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study required by this section, the Administrator shall coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study. The Administrator shall use sound and objective science practices, shall consider the best available science, and shall consider and include a description of the weight of the scientific evidence.

“(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study required by this section, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

“(6) REPORT TO CONGRESS.—The Administrator and the Secretary jointly shall submit the results of the study required by this section in a report to the Congress not later than 12 months after the date of the enactment of this Act, together with any recommended regulatory and legislative changes. Such report shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated jointly to the Administrator and the Secretary \$500,000 for the completion of the study required under this subsection.”

By Mr. DOMENICI (for himself,
Mr. BINGAMAN, Mr. FRIST, and
Mr. ALEXANDER):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, nearly every form of energy production requires the use of large quantities of water. Electricity production, oil and gas production, and certain renewable energy sources are all dependent on having adequate access to water. Because water availability, particularly for human consumption, is an increasingly important international and domestic issue, it is important for us to ensure that we use our water resources in the most efficient manner in the production of energy. As the world's population grows and stores of fresh water are depleted, finding additional sources of fresh water is vital to meeting our energy needs and ensuring peace and security domestically and abroad. For this reason, developing cost-effective technologies that allow us better access to water for human use and energy production is of great significance.

Electricity production is entirely dependent on the availability of water, regardless of fuel source. Much of our fossil fuel energy production is entirely dependent on having adequate access to water. Sandia National Laboratories estimates that for every barrel of oil produced, ten gallons of water are required. For this reason, ensuring an adequate supply of water, coupled with efficient use of that water supply in our energy processes, is critical to the United States' energy portfolio. Similarly, making water available to our citizens is largely dependent on energy. Transportation, distribution, acquisition and purification of water require large amounts of energy.

Providing water to meet population growth will become increasingly important in the coming years. Nearly 1.2 billion people, roughly one fifth of the world's population, live without reliable access to water. It is estimated that by 2025, roughly one-third of the world will have inadequate access to water. By 2030 there will be an additional 3 billion people. By 2025, it is estimated that the population of the Arab world will reach 600 million, twice the population of 2000. At the World Economic Forum this summer, experts testified that most of the countries in the Arab world had exhausted their water resources and that the only way to provide water is the expensive prospect of desalination. At the forum, former Jordanian water minister told those in attendance "We are not secure about water supplies. Supplies are simply not enough . . . This is a scary issue." He went on to estimate that the water deficit in the Arab world will grow by more than 600 percent by 2025.

The need for renewed Federal investment to develop technologies that will ensure efficient use of scarce water resources in energy production is critically important for domestic growth and prosperity. A study by the Governmental Accountability Office stated that "water managers in thirty-six States anticipate shortages in localities, regions, or state-wide in the next 10 years." In the West, the competing demands of population growth, drought, energy resources development, agricultural needs, environmental needs, and tribal interests have resulted in a paucity of available water. Unbridled population growth in the western U.S. has stretched water resources even thinner. The U.S. Census Bureau recently estimated that by 2030 Nevada will have more than four million residents, twice as many as in 2000. In a region already critically short of water and subject to the unpredictable nature of an already over-allocated Colorado River, even a mild drought could stymie growth and economic development. For this reason, we need to investigate new technologies that allow us to access additional water, and just as importantly, to use water in the most efficient ways, particularly in the production of all forms of energy.

While stories are legion about the deleterious effects of the prolonged drought in the West, including my home State of New Mexico, the availability of water is an increasingly critical issue in the eastern United States. Usable supplies of water in the east coast have been stretched thin. Despite receiving substantially more rainfall than the western U.S., much of the east coast is facing water shortages. For example, Boston, Atlanta and much of Florida are nearing the end of readily available water. Just as with our current oil and natural gas energy crisis, the answer for our looming water crisis is not just to produce more, but to foster new technologies that will both aid in more production, and just as significantly, reduce the amount of water required for energy production and other needs.

I rise today to introduce the Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005. The emphasis of this program is to address the inextricable relationship between energy and water. Large amounts of water are required for electric generation and oil and gas production. Additionally, large amounts of energy are required for reclaiming and transporting water. Water shortages impair our ability to meet our energy needs and conversely, energy shortages impair our ability to provide adequate supplies of water. The bill would establish an ambitious program within the National Laboratories to develop, transfer and demonstrate in real world applications energy and water efficiency technologies to meet the increased demand for water internationally and domestically. The bill establishes a merit-based competitive grant program for research grants, provides that a set percentage of funding received by the program be used to demonstrate promising technologies, and provides for research undertaken by our National Laboratories. Our National Laboratories have shown an ability to push the state of the art forward, furthering technologies such as highspeed computing, nano-technology, and advanced engineering and science. Federal investment in these areas has resulted in thousands of new technologies that benefit humanity. We now have the opportunity to direct a portion of this immense capability to solve our water and related energy issues. I have no doubt that this legislation would help to push the state of the art forward to ensure that the world has access to this life sustaining resource for years to come.

For the reasons I have articulated, renewed Federal investment in this area is of critical importance both domestically and abroad. I thank Senator BINGAMAN, ranking member of the Energy and Natural Resources Committee, Majority Leader FRIST and Senator ALEXANDER for being original co-sponsors of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005".

SEC. 2. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

The Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594) is amended by inserting after section 111 the following:

"SEC. 112. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Energy-Water Efficiency and Supply Technology Advisory Panel established under subsection (f).

"(2) ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY.—The term 'energy-water efficiency and supply technology' means—

"(A) technologies for—

"(i) reducing the amount of energy required to provide adequate water supplies;

"(ii) reducing water consumption in the production or generation of energy;

"(iii) the reclamation of previously unusable water;

"(iv) water reuse;

"(v) agricultural, industrial, and municipal efficiency and conservation; and

"(vi) water monitoring and systems analysis; and

"(B) any other technologies identified by the Secretary as necessary to carry out the program.

"(3) LEAD LABORATORY.—The term 'lead laboratory' means each of the program lead laboratories designated under subsection (d)(1).

"(4) PROGRAM.—The term 'program' means the energy-water efficiency and supply technology research, development, and transfer program established under subsection (b).

"(b) ESTABLISHMENT.—In accordance with this section, the Secretary shall establish a National Laboratories energy-water efficiency and supply technology research, development, and transfer program that provides for the conduct of research on, and the development, demonstration, transfer, and commercialization of, economically viable and cost-effective energy-water efficiency and supply technologies to—

"(1) promote the sustainable use of water for energy production activities, including—

"(A) developing less water-intensive electric generation sources; and

"(B) developing and implementing systems analyses to balance energy and water demands;

"(2) facilitate the widespread commercialization of newly developed energy-water efficiency and supply technologies for use in real-world applications, including the conduct of an assessment of economic factors relating to the introduction and adoption of energy-water efficiency and supply technologies in practical applications;

"(3) facilitate collaboration among Federal agencies to provide for the integration of research on, and disclosure of information relating to, energy-water efficiency and supply technologies;

"(4) reclaim and improve access to previously unusable and nontraditional water resources; and

"(5) increase the amount of water available for human use.

“(c) OTHER AGREEMENTS.—The Secretary may enter into any grant, contract, cooperative agreement, interagency agreement, or other transaction, as the Secretary determines to be necessary to carry out this section.

“(d) PROGRAM LEAD LABORATORIES.—

“(1) IN GENERAL.—The program shall be carried out by Sandia National Laboratory, New Mexico, Oak Ridge National Laboratory, Tennessee, and Lawrence Livermore National Laboratory, California.

“(2) SELECTION OF UNIVERSITY PARTNERS.—Each of the lead laboratories, in consultation with the Advisory Panel, shall select at least 1 university partner to assist in carrying out the program.

“(e) WATER SUPPLY TECHNOLOGY ASSESSMENT.—

“(1) ASSESSMENT DUTIES.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of the Interior, and other appropriate Federal agencies, the Secretary, acting through the lead laboratories, shall—

“(A) assess energy-water efficiency and supply technology research being performed;

“(B) assess the annual amount of Federal funding levels and authorizations for energy-water efficiency and supply technology research;

“(C) assess the scope of the energy-water efficiency and supply technology research performed by other agencies;

“(D) assess whether and to what extent Federal energy-water efficiency and supply technology research is duplicative;

“(E) identify energy-water efficiency and supply technology research and development priorities; and

“(F) develop a technology roadmap to identify critical energy-water efficiency and supply technology research, development, demonstration and commercialization activities to guide program activities.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the lead laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a detailed report on the assessment conducted under paragraph (1).

“(f) ADVISORY PANEL.—

“(1) IN GENERAL.—The Secretary shall establish an advisory panel, to be known as the ‘Energy-Water Efficiency and Supply Technology Advisory Panel’, to advise the Secretary on the activities carried out under this section.

“(2) MEMBERSHIP.—Members of the Advisory Panel shall—

“(A) have expertise in—

“(i) energy-water efficiency and supply technology; or

“(ii) legal or regulatory issues associated with adopting energy-water efficiency and supply technologies in real-world applications; and

“(B) be representative of institutions of higher education, industry, State and local governments, international energy-water efficiency and supply technology institutions, Federal agencies, and nongovernmental organizations.

“(3) DUTIES.—The Advisory Panel shall—

“(A) periodically assess the performance of energy-water efficiency and supply technology research being carried out under this section;

“(B) advise the Secretary on research priorities to be carried out under this section;

“(C) make recommendations to the Secretary for awarding research grants and demonstration project grants; and

“(D) identify legal, policy, or regulatory barriers to implementing energy-water efficiency and supply technologies in real-world applications.

“(g) PROGRAM GRANTS.—

“(1) IN GENERAL.—The Secretary shall provide competitive grants to entities with expertise in the conduct of energy-water efficiency and supply technology research, development, and demonstration projects.

“(2) REQUIREMENTS.—The grants under paragraph (1) shall be provided—

“(A) in consultation with the Advisory Panel;

“(B) in coordination with the research, development, demonstration, and commercialization activities conducted by the lead laboratories; and

“(C) consistent with the technology roadmap developed under subsection (e)(1)(F).

“(3) LIMITATION.—Of amounts made available for grants under subsection (j)(2)(C), not more than 25 percent shall be provided to National Laboratories and Federal agencies.

“(4) CRITERIA.—The Secretary shall establish criteria for the submission and review of grant applications and the provision of grants under paragraph (1).

“(h) PROGRAM REVIEW.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic peer reviews of the program.

“(2) REQUIREMENTS.—In conducting a review under paragraph (1), the National Academy of Sciences shall—

“(A) review the technology roadmap, technical milestones, and plans for technology transfer developed under the program; and

“(B) assess the progress of the program in achieving the technical milestones and plans for technology transfer.

“(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report that describes the activities carried out under this section, including the activities carried out under subsection (f)(3)(D).

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section, including the completion of the roadmap under subsection (e)(1)(F)—

“(A) \$5,000,000 for fiscal year 2006; and

“(B) such sums as are necessary for each fiscal year thereafter.

“(2) ALLOCATION.—Of amounts made available under paragraph (1) for fiscal year 2007 and each fiscal year thereafter—

“(A) at least 30 percent shall be distributed equally between the lead laboratories for the conduct of activities under the program;

“(B) at least 10 percent shall be provided to the lead laboratories to carry out subsection (b)(2);

“(C) at least 40 percent shall be made available for program grants under subsection (g)(1); and

“(D) not more than 15 percent shall be used to pay the administrative costs of carrying out the program, including costs to support the activities of the Advisory Panel.”.

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to

the Committee on Homeland Security and Governmental Affairs.

Mr. GREGG. Mr. President, our Nation's history is not only one of growing prosperity, opportunity, and the steady progress of a free and industrious society, but it is also uniquely identified by the challenges that we have faced and overcome. Sometimes, these challenges have been natural disasters—earthquakes, floods, and hurricanes that have devastated entire towns and cities, uprooted communities, and tragically killed hundreds, if not thousands, of people. Disasters such as the Galveston Hurricane of 1900, the 1906 San Francisco earthquake, the Great Flood of 1927, and Hurricane Camille are the first ones that come to mind, although there are others that we could also add to this list of superdisasters.

Unfortunately, it now appears that the list of these superdisasters has gotten longer. In a number of respects, the devastation inflicted by Hurricane Katrina has so far exceeded any natural disaster that our country has faced: the official death toll is around 1,000 and could go higher; approximately 90,000 square miles, nearly the size of the United Kingdom, has been impacted; a city of nearly half a million was almost entirely emptied; as many as 1 million jobs have been directly affected; and recovery and reconstruction costs could go to as high as \$200 billion, if not more. Figures aside, the tragic and widespread devastation that this storm has wreaked is apparent to anyone who has watched news footage from the golf coast region. The images are heart wrenching, and our prayers go out to those who have suffered and have lost loved ones.

Weeks after Hurricane Katrina hit the gulf coast region, Hurricane Rita brought further devastation to areas that were either already impacted or to areas further south and to the west. Although not as powerful as Katrina, Rita dealt a strong blow to many communities. Lives were lost, entire neighborhoods were completely destroyed, and many families were displaced. Again, we extend our prayers and wishes to those who were directly affected by this storm.

While the combined impact of Hurricanes Katrina and Rita is similar to other superdisasters, it also unprecedented in a few key aspects. In particular, the Federal Government is now expected to play, and is playing, a significant role in the response and recovery efforts. This is partly due to the significant growth in the Federal Government over the past 100 years. Back in 1900 when the Galveston Hurricane occurred, there were only eight executive departments in the entire government—the Department of Commerce, the Department of Labor, the Department of Health and Human Services, HUD, the U.S. Coast Guard, the EPA, FEMA, and, of course, the Department of Homeland Security had yet to be established. Today, the federal government is much more expansive than

when previous superdisasters took place, and it now delivers a wide array of services and benefits that Americans have come to expect.

In response, President Bush and Congress have approved the spending of billions in Federal funds, unleashing an outpouring of federal aid, assets, and manpower. Over the past 2 weeks, Congress already has approved over \$61 billion in supplemental appropriations, and it is contemplating the spending of additional federal funds. Almost every executive department and Federal agency is taking part, taxpayer funds are being doled out to contractors and State and local authorities, and the future of the gulf coast region and millions of its residents is being shaped daily by this massive effort. While mistakes have been made at all levels, we now have the opportunity to make sure that mistakes are not repeated and that we do not come out of this whole experience wondering where all the money went and whether we did the best we can to respond to this challenge.

My Senate colleagues and I have been discussing various proposals for how the federal recovery effort should be managed. I believe that history can be of help—for instance, we can learn from the Great Flood of 1927, a natural disaster that killed hundreds in seven states and flooded around 27,000 square miles. In response, President Coolidge appointed Secretary of Commerce Herbert Hoover to coordinate relief across eight different agencies, the Red Cross, and other organizations. While the relief effort had its flaws, I believe that Coolidge's appointment of a lead director, who had substantial crisis management experience and public recognition, was a wise decision. By centralizing oversight authority over the entire effort under such a central person, Coolidge's appointment of Hoover helped minimize friction and discoordination across agencies, ensuring that the relief response was run efficiently. The appointment also enhanced accountability since everyone knew who was in charge.

The recovery effort for Hurricanes Katrina and Rita is going to be much more complicated and multifaceted than the relief response for the Great Flood of 1927. The breadth of the destruction and the wide array of Federal departments and agencies involved—combined with the efforts of State and local authorities, nonprofit organizations, and private contractors—make the potential for bureaucratic tensions, redundancy, confusion, and waste even greater. I therefore believe that a centralized management structure is as necessary now as it was back in 1927. So, before Congress continues pouring billions of taxpayer dollars and adding additional tasks on top of the recovery effort, Congress should first make sure that a centralized management structure is in place. In particular, we need a person with impeccable credentials endowed with robust planning, oper-

ational, and budgetary authorities to be on the ground in the gulf coast region. We need to make sure that accountability is clearly assigned, not diffused. We need to make sure that the right hand knows what the left hand is doing, so to speak, and that federal funds are effectively being used to get the gulf coast region back on its feet. And we need this centralized structure as soon as possible.

As such, I am proposing the Gulf Coast Recovery and Preparedness Act of 2005, along with Senator KENNEDY, which establishes the Gulf Coast Recovery and Disaster Preparedness Agency, a new agency that will be headed by a director who will oversee the entire recovery effort. The Director will be the person responsible for budgeting, overseeing, and executing the entire recovery effort to the extent that Federal resources are used. The director will also regularly report to Congress on how this effort is being conducted and will have deputies and support staff to keep track of how funds are being spent and to investigate any fraud, waste or abuse. Lastly, I recognize that we do not want the legacy of Katrina and Rita to be another layer of bureaucracy, so the legislation would make sure that the agency and the director's position are only temporary, and that it terminates within 6 years.

Within the agency, there will be essentially a planning board—named the Gulf Coast Revitalization Authority that will consist of Federal, State, and local officials, as well as representatives from affected communities. The board, which will be chaired by the director, will be tasked with creating a comprehensive plan for redeveloping the entire region impacted by Hurricanes Katrina and Rita. The plan will ensure that objectives, priorities, and critical infrastructure decisions are developed in a thoughtful and comprehensive manner before federal resources and other funds are completely committed. The authority board will also make sure that there is substantial and meaningful public participation, which is critical for making potentially difficult rebuilding and revitalization decisions. The director, who must approve the plan after it is passed by the authority, will be responsible for executing it.

Our Nation has been through a lot since Katrina and Rita hit the gulf coast, and I am continually amazed at the acts of heroism and charity that are taking place across the gulf coast region. And while the tasks ahead may be less dramatic and less attention-grabbing, I believe that it is how we address these challenges—in particular, the rebuilding of infrastructure, the provision of social services to evacuees scattered across the country, and the redevelopment of entire communities—that will truly test our Federal Government in ways that we have not seen in recent memory. In the end, I am confident that we can succeed and the

gulf coast region will fully recover and thrive. Our Nation's history has shown how well Americans perform in the face of challenges. However, we must not simply expect this success nor expect that throwing around billions of dollars will necessarily achieve it. Instead, Congress must take action now to ensure that the recovery effort is managed efficiently and effectively. By setting into place such a management structure, I believe that we will be able to look back at these difficult times and be proud of how we handled the public's trust and the taxpayers' money. This is what the American people have elected us to do, and I know that it can be done if we make the right choices right now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Recovery and Disaster Preparedness Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(2) AUTHORITY.—The term "Authority" means the Gulf Coast Revitalization Authority.

(3) DIRECTOR.—The term "Director" means the Director of Gulf Coast Recovery and Disaster Preparedness.

(4) GULF COAST AGENCY.—The term "Gulf Coast Agency" means the Gulf Coast Recovery and Disaster Preparedness Agency.

(5) GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—The term "Gulf Coast Recovery and Disaster Preparedness Program" means all activities described under section 3(b)(3) (B) and (C).

SEC. 3. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established the Gulf Coast Recovery and Disaster Preparedness Agency. The Gulf Coast Recovery and Disaster Preparedness Agency is an independent establishment as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director of Gulf Coast Recovery and Disaster Preparedness shall be the head of the Gulf Coast Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(B) EXECUTIVE SCHEDULE LEVEL I POSITION.—The Director shall be paid at the rate of pay payable for a position at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(C) DIRECT REPORT TO PRESIDENT.—The Director shall directly report to the President.

(2) QUALIFICATIONS.—The individual appointed as Director shall be appointed on the basis of—

(A) demonstrated leadership, integrity, and experience; and

(B) demonstrated experience in management of large organizations.

(3) FUNCTIONS.—The Director shall—

(A) be responsible for the efficient and effective use of Federal resources relating to

the recovery from Hurricane Katrina and Hurricane Rita;

(B) exercise planning, management, and overall control of all Federal funding, personnel, and assets used by Federal, State, or local government authorities for the purposes of—

(i) rebuilding or responding to the damage or destruction of private or public infrastructure caused by Hurricane Katrina and Hurricane Rita to the United States;

(ii) responding, supporting, or otherwise assisting efforts to meet the nutritional, health, educational, housing, transportation, employment, law enforcement, and social service needs of citizens who have been personally displaced or otherwise adversely and directly impacted by Hurricane Katrina and Hurricane Rita;

(iii) studying, planning, and preparing public and private responses to future natural disasters in the region;

(iv) planning, building, and repairing public infrastructure to prevent or mitigate the impact of future natural disasters in the region, including the levee system surrounding the City of New Orleans, Louisiana;

(v) studying, planning, and implementing environmental remediation and coastal restoration efforts in the region;

(vi) studying, planning, and implementing economic redevelopment efforts in areas affected by Hurricane Katrina and Hurricane Rita;

(vii) ensuring the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina and Hurricane Rita; and

(viii) any other recovery, rebuilding, or redevelopment effort relating to the direct impact of Hurricane Katrina and Hurricane Rita; and

(C) expend and obligate funds appropriated to the Gulf Coast Agency for purposes described under subparagraph (B), including specific reconstruction projects.

(4) BUDGET AUTHORITIES RELATING TO THE GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—

(A) BUDGET.—With respect to budget requests and appropriations for the Gulf Coast Recovery and Disaster Preparedness Program, the Director shall—

(i) based on priorities set by the President, provide to agencies performing activities of the Program, guidance for developing the Program budget pertaining to such agencies;

(ii) develop and determine an annual consolidated Gulf Coast Recovery and Disaster Preparedness Program budget; and

(iii) present such consolidated budget, together with any comments from the heads of agencies, to the President for approval.

(B) APPROPRIATIONS.—

(i) IN GENERAL.—The Director shall be responsible for managing appropriations for the Gulf Coast Recovery and Disaster Preparedness Program by directing the allotment or allocation of such appropriations through the heads of the agencies performing activities of the Program, with prior notice (including the provision of appropriate supporting information) to the head of the agency receiving any such allocation or allotment.

(ii) ALLOCATIONS.—Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the Gulf Coast Recovery and Disaster Preparedness Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of Gulf Coast Recovery and Disaster Preparedness, for allocation to agencies performing activities of the Gulf Coast Recovery and Disaster Preparedness Program. Department comptrol-

lers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the Gulf Coast Recovery and Disaster Preparedness Program in an expeditious manner.

(iii) MONITORING IMPLEMENTATION.—The Director shall monitor the implementation and execution of the Gulf Coast Recovery and Disaster Preparedness Program by the heads of relevant agencies.

(iv) APPORTIONMENT AND ALLOTMENT.—Apportionment and allotment of funds under this paragraph shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(c) OFFICERS TO ASSIST THE DIRECTOR.—

(1) IN GENERAL.—The Office shall have other officers necessary to assist the Director in carrying out the functions of the Director, including—

(A) overseeing recovery operations and disaster preparedness;

(B) expending and obligating Federal funds appropriated to the Gulf Coast Agency for the Gulf Coast Recovery and Disaster Preparedness Program, including specific reconstruction projects;

(C) ensuring that Federal funds are prudently spent and fully audited; and

(D) investigating waste, fraud, and abuse in the use of Federal funds for the activities of the Gulf Coast Recovery and Disaster Preparedness Program.

(2) DEPUTY DIRECTORS.—The Director may appoint no more than 5 Deputy Directors who shall be assigned to geographic areas of the Gulf Coast region.

(d) LOCATION OF THE OFFICE OF THE DIRECTOR.—The Office of the Director shall be physically located within the region comprising the gulf coast areas of the States of Louisiana and Mississippi. The Director may establish additional office locations as necessary.

SEC. 4. ADMINISTRATIVE AND PERSONNEL PROVISIONS.

(a) EMPLOYEES.—The Director may select, appoint, and employ such officers and employees as may be necessary—

(1) in accordance with the provisions of title 5, United States Code, including section 3101 of that title; and

(2) without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except the pay of any personnel under this paragraph may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) CONSULTANTS AND CONTRACTS.—The Director may—

(1) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of title 5, United States Code; and

(2) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements and to make such payments as may be necessary to carry out the provisions of this Act.

SEC. 5. SUPPORT FOR WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.—The term “workers affected by Hurricane Katrina and Hurricane Rita” means workers who were re-

siding in the area directly impacted by Hurricane Katrina and Hurricane Rita as of the date those hurricanes occurred.

(b) EMPLOYMENT REQUIREMENT.—

(1) CONTRACTS.—Except as provided in subsection (c), the Director or the head of an executive agency may not enter into a contract to procure disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless such contract requires that workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by the contractor to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by each subcontractor at each tier in connection with such contract.

(2) GRANTS.—Except as provided in subsection (c), the head of an executive agency may not award a grant of Federal funds to any recipient, for the purpose of providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless the terms of the grant require that such workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by that recipient to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by any indirect recipient of such grant funds to perform such services.

(3) EXCEPTION FOR PROFESSIONAL SERVICES.—The requirements under paragraphs (1) and (2) do not apply to the procurement of professional services.

(c) EXEMPTIONS FOR EXCEPTIONAL CIRCUMSTANCES.—

(1) AUTHORITY.—The Director or the head of an executive agency may enter into a contract or award a grant that would otherwise be prohibited under subsection (b) due to the employment by an employer of a workforce that does not meet the workforce composition requirement under such subsection if the employer qualifies for and receives an exemption under paragraph (2).

(2) PROCEDURES FOR GRANTING EXEMPTIONS.—

(A) IN GENERAL.—Not later than 45 days after the date of the appointment of the Director, the Director shall establish procedures for providing exemptions for employers who despite making reasonable efforts to do so, are unable to comply with the workforce composition requirement under subsection (b) due to an emergency, or due to the lack of available and appropriately qualified workers who have been affected by Hurricane Katrina and Hurricane Rita.

(B) EXEMPTIONS BEFORE PROCEDURES ESTABLISHED.—During the 45-day period referred to under subparagraph (A), the Director may exempt an employer as the Director determines necessary.

(d) REPORTS REQUIRED.—

(1) IN GENERAL.—In the each report submitted under section 6, the Director shall include a report of the hiring of workers affected by Hurricane Katrina and Hurricane Rita.

(2) CONTENT.—Each report submitted under paragraph (1) shall include, with respect to the preceding fiscal quarter, information on—

(A) the total number of workers affected by Hurricane Katrina and Hurricane Rita hired by contractors, subcontractors, or employers that provided disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts;

(B) the total number of individuals hired by contractors, subcontractors, or employers that provided disaster recovery services in

connection with Hurricane Katrina and Hurricane Rita reconstruction efforts; and

(C)(i) whether the Director or head of the executive agency provided any exemptions under subsection (a)(2);

(ii) the total number of contractors, subcontractors, and employers provided such exemptions in each State, and the percentage they represent of all contractors, subcontractors, and employers providing services; and

(iii) the total number of workers employed under contracts or grants for which an exemption was granted and the percentage of such workers who were workers affected by Hurricane Katrina and Hurricane Rita.

(3) **SOURCE OF INFORMATION.**—For purposes of preparing a report required under paragraph (1), the Director or the head of an executive agency shall require employers providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts to provide to the agency, under penalty of perjury, information relevant to such reports.

SEC. 6. REPORTS TO CONGRESS.

(a) **IN GENERAL.**—Every 3 months, for each calendar quarter, the Director shall submit a report to Congress on the progress of the Gulf Coast Recovery and Disaster Preparedness Program, including—

(1) any findings regarding fraud, waste, and abuse of Federal funds, personnel, and assets; and

(2) the status of progress toward the rebuilding of the Gulf Coast region during the 3-month period preceding the date of submission of the report.

(b) **FIRST REPORT.**—The first report under this section shall be submitted for the first full calendar quarter for which a Director has been appointed.

SEC. 7. GULF COAST REVITALIZATION AUTHORITY.

(a) **ESTABLISHMENT.**—There is established, within the Gulf Coast Agency, the Gulf Coast Revitalization Authority. The Authority shall have responsibility for the development of a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita.

(b) **PURPOSE.**—The purpose of the Authority is to develop a plan with substantial local participation to—

(1) rebuild and improve the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita;

(2) determine how best to use available Federal resources; and

(3) coordinate State and local government and private sector initiatives with the Federal effort.

(c) **COMPOSITION OF THE AUTHORITY.**—The Authority shall consist of 19 members including—

(1) the Director, who shall serve as Chairperson of the Authority;

(2) the Governor of Louisiana;

(3) the Governor of Mississippi;

(4) the Governor of Alabama;

(5) the Governor of Texas;

(6) the Mayor of New Orleans, Louisiana;

(7) 3 members appointed by the President;

(8) 3 residents of communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Louisiana—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(9) 3 residents of the communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Mississippi—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(10) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Alabama;

(11) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Texas; and

(12) 2 residents of New Orleans, Louisiana, appointed by the Mayor of New Orleans, Louisiana.

(d) **REPRESENTATIVES.**—

(1) **IN GENERAL.**—Each member of the Authority described under subsection (c) (2) through (6) may designate a representative to attend any meeting of the Authority in the absence of that member.

(2) **QUORUM AND VOTING.**—A representative designated under this subsection—

(A) shall count for purposes of a quorum; and

(B) may vote on any matter of the Authority.

(e) **APPOINTMENTS; VACANCIES; QUORUM.**—

(1) **APPOINTMENTS.**—All members of the Authority shall be appointed within 14 days after the date of enactment of this Act.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Authority. Any vacancy in the Authority shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) **QUORUM.**—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(f) **PERSONNEL MATTERS FOR AUTHORITY MEMBERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **IN GENERAL.**—Except as provided under subparagraph (B), each member of the Authority described under subsection (c)(7) through (12) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Authority.

(B) **FEDERAL OFFICERS AND EMPLOYEES.**—All members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **TRAVEL EXPENSES.**—The members of the Authority described under subsection (c) (7) through (12) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(g) **PREPARATION OF A COMPREHENSIVE PLAN.**—

(1) **PRELIMINARY PLAN.**—Not later than 134 days after the date of enactment of this Act, the Authority shall approve a preliminary plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(2) **COMPREHENSIVE PLAN.**—Not later than 194 days after the date of enactment of this Act, the Authority shall approve a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(3) **EXTENSION.**—For good cause shown, the Authority by majority vote may extend the

time period for adoption of the comprehensive plan by not more than 60 days.

(h) **AUTHORITY OF DIRECTOR BEFORE PLANS.**—Nothing in this section shall be construed to limit the authority of the Director to approve priority projects and initiate programs which the Director determines are needed before the adoption of the preliminary and comprehensive plans.

(i) **APPROVAL OF PLANS.**—Adoption of the plans shall require approval of a majority of the members of the Authority and approval by the Director. After each of the plans has been adopted, individual projects authorized by the Gulf Coast Agency shall be consistent with that plan.

(j) **GOVERNORS APPROVAL.**—Nothing in this section shall affect the authority of a Governor to approve individual projects within the State of that Governor to the extent that the approval of the Governor is required by law.

(k) **IMPLEMENTATION MODIFICATIONS.**—

(1) **IN GENERAL.**—After the adoption of the comprehensive plan, the Authority—

(A) shall monitor implementation;

(B) develop more detailed advisory proposals consistent with the comprehensive plan; and

(C) consider and adopt such modifications to the comprehensive plan as may become necessary and appropriate.

(2) **MODIFICATIONS.**—Modifications to the comprehensive plan shall be adopted in the same manner as the plan.

(1) **CONSIDERATIONS.**—In developing the plan, the Authority shall consider—

(1) the impact of public infrastructure on minimizing the impact of future hurricanes;

(2) the impact of public infrastructure on—

(A) improving the opportunities for economic development in the region; and

(B) enhancing public services available to residents;

(3) the preservation of the unique historical and cultural character of communities, maintaining traditional styles of architecture, neighborhood design, and community facilities wherever possible; and

(4) procedures to ensure that rebuilding and redevelopment is carried out in an efficient and cost-effective manner, including efforts to promote the involvement of the private sector and nonprofit organizations.

(m) **OPPORTUNITY FOR PUBLIC COMMENT.**—The Authority shall conduct public hearings in each of the affected States and shall endeavor to provide substantial opportunity for public input, including opportunity for public comment on the preliminary plan before the comprehensive plan is adopted.

(n) **AUTHORITY PERSONNEL.**—

(1) **IN GENERAL.**—To develop the comprehensive plan the Authority shall select and supervise consultants and employees as provided under paragraphs (2) and (3) who shall include planners, architects, engineers, and experts on information technology, the environment, and economic development.

(2) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—After consultation with the Authority, the Director shall procure temporary and intermittent services under section 3109(b) of title 5, United States Code, of the individuals selected by the Authority under paragraph (1) of this subsection. The rate of pay for any such individual may not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) **EMPLOYEES.**—After consultation with the Authority, the Director shall employ individuals selected by the Authority under paragraph (1).

(4) **ASSISTANCE.**—To the extent practicable, the consultants and employees under this subsection shall provide local officials with

technical assistance and consultation on local efforts.

(o) **DETAILEES.**—Any Federal employee may be detailed to the Authority with reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. Federal agencies shall provide detailees to the Authority at the request of the Authority to the extent feasible.

(p) **USE OF FEDERAL AGENCY EXPERTISE.**—The Authority shall consult with the heads of agencies, and other Federal officials as necessary in the preparation of the comprehensive plan, and the heads of those agencies shall consult with the Authority as requested. Federal agencies shall provide expertise to the Authority to the extent feasible.

(q) **AREAS ADDRESSED BY COMPREHENSIVE PLAN.**—The comprehensive plan shall address the following areas of redevelopment:

(1) **Water Management:**

(A) Design improvements and placement of water control facilities (including drainage channels, pumping facilities, levees and barriers).

(B) Design improvements and repair of water treatment and delivery systems and sewage collection and treatment facilities.

(2) **Environmental Restoration:**

(A) A long-term coastal restoration plan, including the restoration of coastal wetlands and barrier islands that are natural flood control systems to prevent erosion and flood damages.

(B) Land and water resource conservation.

(3) **Transportation:**

(A) Priorities and criteria for demolishing and rebuilding damaged bridges, roads and highways.

(B) Identification of appropriate placement of bridges, roads, and highways that takes into consideration daily traffic flow as well as future evacuation requirements and susceptibility to hurricane damage.

(C) Adequate public transportation facilities connected to regional transportation networks that takes into consideration daily transportation needs of residents and evacuation requirements for residents without personal vehicles.

(D) Airport reconstruction including runway layouts, and connections to public transit, roads and highways.

(E) Priorities and criteria for rebuilding freight rail and freight terminals.

(4) **Ports:**

(A) Design standards for rebuilding port facilities.

(B) A plan for working with private entities to rebuild port facilities including berths, storage facilities, navigation channels, and docks.

(C) Identification of the need for improved security technologies available for port security screening.

(5) **Housing:**

(A) Criteria for demolition of damaged housing, restoration of housing where advisable, and development of newly built housing.

(B) Design improvement standards for housing that can minimize damage from a future hurricane.

(C) A plan for working with private entities and nonprofit organizations to facilitate rebuilding an adequate supply of housing that is affordable to residents of all incomes displaced by Hurricane Katrina and Hurricane Rita.

(6) **Schools:**

(A) Priorities and criteria for rebuilding schools where advisable and construction of replacement schools where necessary.

(B) Design improvement standards for schools that need to be rebuilt that include, where advisable and cost effective, state of

the art information technology infrastructure.

(7) **Hospitals and Other Public Health Care Facilities:**

(A) Design improvement standards for hospitals that will be rebuilt that includes state of the art information technology infrastructure.

(B) Design standards for health care facilities to withstand and continue operation during a future hurricane.

(8) **Utility Infrastructure:** A plan for working with private entities that serve the public to ensure utility coverage of redeveloped areas with telecommunication services, including broadband access, and energy and electricity generation and distribution.

(9) **Employment and Training:**

(A) A plan for the training of residents of the affected communities in job skills that will be required in the region.

(B) Priority for jobs for residents of the affected communities created by reconstruction programs funded by the Gulf Coast Agency to the extent practicable.

(10) **Other Public Facilities:**

(A) A plan for the rebuilding of public buildings and facilities, and for buildings and facilities of nonprofit organizations that serve a public function open to all residents within communities.

(B) A plan for the rebuilding of museums and other facilities operated by nonprofit organizations that are used to preserve and promote the historic, cultural, musical and artistic traditions of the affected areas.

(r) **EXPEDITING THE REBUILDING PROCESS.**—The Authority shall—

(1) consider whether it is necessary to waive or modify any Federal, State, or local law relating to the environment, land use, or the permitting of construction projects in order to expedite reconstruction within the Gulf Coast region; and

(2) make appropriate recommendations in the comprehensive plan relating to the waiver or modification of such laws.

(s) **PLANNING PRINCIPLES.**—In developing and implementing the comprehensive plan, the Authority and the Gulf Coast Agency shall take into consideration the following planning principles:

(1) Provide substantial opportunities for area residents to participate in the planning process.

(2) All public structures should be designed to withstand a category 5 hurricane.

(3) Preserve the unique historical, cultural, and architectural character of communities to the maximum extent possible.

(4) Infrastructure should be developed to minimize the impact of future hurricanes.

(5) Infrastructure should be developed to improve economic opportunity for the region and its residents.

(6) Transportation infrastructure should be designed and built with future evacuation needs in mind.

(7) Establish systems to maintain infrastructure over time and accommodate growth in the region.

(8) Promote access to housing, transportation, jobs and schools to residents of all incomes that accommodates economic and social integration.

(9) Promote energy efficient design.

(10) Promote transit oriented development in metropolitan areas.

(11) Promote innovations in public-private partnerships.

(12) Promote efficient and cost-effective rebuilding efforts.

(13) Promote involvement of the private sector and nonprofit organizations to broaden participation and help control costs to the Federal Government.

(t) **COLLABORATION WITH LOCAL GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PRIVATE ENTITIES.**—

(1) **IN GENERAL.**—Throughout the process of developing a comprehensive plan, the Authority and the planning staff of the Authority shall work with local government officials, nonprofit organizations and private entities with a stake in the redevelopment of the region.

(2) **INDIVIDUALS AND ENTITIES.**—Individuals and entities shall include—

(A) State and local government officials;

(B) community based nonprofit organizations;

(C) chambers of commerce and business community leaders;

(D) school superintendents, parent and teacher associations;

(E) environmental groups;

(F) real estate and construction industries, both nonprofit organizations and for-profit entities;

(G) social service providers;

(H) emergency relief and disaster planning nonprofit organizations;

(I) labor organizations;

(J) utility companies;

(K) hospital administrators and practitioners; and

(L) insurance companies.

(u) **NONAPPLICABILITY OF CERTAIN PROVISIONS.**—The Authority shall not be construed to be an agency for purposes of chapter 5 of title 5, United States Code, and such chapter shall not be construed to apply to the Gulf Coast Agency with respect to the Authority. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Authority.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

SEC. 9. TERMINATION OF OFFICE.

(a) **IN GENERAL.**—The Office and position of Director shall terminate 3 years after the date of enactment of this Act.

(b) **EXTENSION OF TERMINATION.**—

(1) **IN GENERAL.**—The President may extend the date of termination under subsection (a) in accordance with this subsection.

(2) **CONDITIONS OF EXTENSION.**—Any extension of termination under this subsection—

(A) shall not be effective for any period occurring 6 years after the date of enactment of this Act;

(B) may not apply retroactively if the Office and the position of Director have already terminated under this section;

(C) shall not be effective unless 6 months before the date on which a termination would occur the President submits a notice to Congress of a determination to extend the termination and setting forth the length of the extension; and

(D) subject to subparagraph (A), may be made only for a 1-year period, 2-year period, or 3-year period.

Mr. KENNEDY. Mr. President, when I last spoke on the Senate floor about Hurricane Katrina, I spoke of my visit to the region—to Louisiana and Mississippi—where I witnessed first hand the devastation to these communities. Entire blocks were left bare to their foundations where families once lived. Schools and hospitals were destroyed. Power lines were draped over fallen trees and there was water everywhere. Roads were washed out and bridges were destroyed. Much of the great city of New Orleans was under water. It was beyond what any of us could have imagined.

Seeing the Gulf Coast in such a state has deeply touched me and my family

in deeply personal ways. My wife Vicki and her strong and wonderful family are from Louisiana. She went to school in Louisiana, attending Tulane University, and considers New Orleans her second home.

It has now been more than a month since Hurricane Katrina first hit the Gulf Coast. Hurricane Rita wreaked further havoc on the region. And although the emergency phase of the response may be over, we now face the extraordinary challenge of rebuilding this region and restoring people's lives.

Relief workers and agencies have been working tirelessly to clear debris, and connect evacuees to services and temporary housing. Just this week, New Orleans has finally been drained of all water left standing in the city. Health workers are working to address the public health challenges and the ongoing health needs of the evacuees. And States across the country continue to work with evacuees in their area to help them with housing, jobs and services.

Relief and recovery efforts have revealed that we have our work cut out for us. Thousands of homes were destroyed and more have water marks to the ceilings, mold and severe structural damage are everywhere. Entire schools and hospitals must be rebuilt. Roads and bridges that were washed out must be replaced. Museums with artifacts of the rich cultural tradition of the region have been damaged. Much of what has made these cities and towns vibrant has been destroyed and kept residents away from their beloved communities.

We need to make these communities whole again. We need to make them stronger and healthier. We need to build the roads and bridges that will bring the many evacuees home to quality, permanent homes, and get their children back to their schools.

We must rebuild the region thoughtfully and swiftly. We owe it to the residents of the region who want to come home. And we owe it to the thousands of relief workers, charities, and businesses that have come together to make the region and its residents safe and secure.

It is up to us in Congress to ensure that the region is equipped to rebuild. The residents of the Gulf Coast and New Orleans take pride in their cities and towns and they want to lead the way in reviving their own communities. But they desperately need our help. That is why today, Senator GREGG and I are introducing the Gulf Coast Recovery and Disaster Preparedness Act.

We need a response that is as good and generous as the American people but our existing disaster relief structures are not equipped for this monumental task.

The primary focus of our Department of Homeland Security is to protect the Nation from terrorism, and it is imperative for that work to go on unimpeded. And FEMA is primarily a

rapid response agency whose first responsibility is to provide relief in the immediate aftermath of a disaster.

Given the enormity of the number of people displaced by Hurricanes Katrina and Rita, the rebuilding will be an all-consuming task. And if it is to take place as rapidly as possible, it requires the creation of a new Federal entity to be an effective partner in that effort.

Our bill creates a Gulf Coast Recovery and Disaster Preparedness Agency to aid in the work of rebuilding the region. The enormous Federal investment that will be needed to revitalize the region would be channeled through this agency. Estimates of the cost of rebuilding the region are as high as \$200 billion. We need someone who will be responsible for the coordinated deployment of these dollars.

The agency will be headed by a Director, an eminent, nonpartisan person with demonstrated leadership in large organizations. It will take strong leadership that has the attention of the President to coordinate redevelopment efforts and cut through the redtape to ensure that Federal funds are deployed swiftly, efficiently and effectively.

Under our bill, the President appoints the Director with the advice and consent of the Senate. The Director will have overall control of Federal funding, personnel, and assets used for rebuilding the region.

The Director of the Gulf Coast Recovery and Disaster Preparedness Agency will work with an Authority, composed primarily of residents from the affected area, that will develop a comprehensive plan for rebuilding the region.

Governors, mayors, community leaders, business and non-profit leaders, citizens and the Federal Government will be able to sit around the same table to develop a common blueprint for reconstructing their communities and their lives.

While only the Federal Government possesses the necessary resources to rebuild the devastated areas, it is essential that State and local officials who know the area best be full partners. Local residents must share the decisionmaking authority. Creating this Authority to develop a comprehensive plan for redevelopment will guarantee that local concerns are taken seriously.

How to rebuild should not be determined by the biggest, most powerful contractors. We need to work from a shared vision for the future in which we all do our part in rebuilding the new Gulf Coast.

The rebuilding process does not merely involve reproducing in place the structures that existed prior to the hurricane and the flooding, although that alone would be an enormous task. It involves planning for the future of the affected communities.

To develop this plan, the Authority will involve the best flood control engineers, the best community and urban development specialists, planners, and

experts to address rebuilding or restoring water management facilities, environmental restoration, transportation, ports, housing, schools, hospitals, utility infrastructure, other public facilities, and employment and training.

And, while we need to build water control systems and structures that will be able to withstand giant hurricanes and floods in the future, it is not just about the bricks and mortar. It is about promoting economic development and improving the quality of life for the residents of the region; it is about preserving the unique historical, cultural and architectural character of communities; and restoring the ecological resources of the region. It is about promoting access to housing, transportation, jobs and schools to residents of all incomes.

We have a chance to build the Gulf economy of the future—and in doing so improve the entire Nation's economic destiny. We have a chance to build a new economy that works for everyone—with diverse housing and more job opportunities.

We cannot wait any longer. The people of Louisiana, the people of Mississippi, Alabama and now Texas, and the many States who have taken in evacuees, cannot wait any longer. We need to act and appoint an executive who will lead recovery and redevelopment efforts and really listen to what the residents of the Gulf Coast, its community leaders, business leaders and elected officials really need.

All of those who visited the region and those who have seen images of the devastation on TV recognize that rebuilding the Gulf Coast requires an unprecedented national effort. It must be a principal focus of our national government in the months ahead and it must be done in a genuine collaboration with the people of the affected region.

I want to commend my colleague Senator GREGG who has worked very hard to ensure that we come up with a sensible way of addressing the enormous challenge of rebuilding that lies ahead.

We believe that a Gulf Coast Recovery and Disaster Preparedness Director and a Gulf Coast Revitalization Authority is the best way to combine the Federal resources and coordination with real local involvement in the decisionmaking process.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today, on behalf of myself and Senators WARNER and COBURN, to introduce a bill establishing an Under Secretary for Policy within the Department of Homeland Security. This legislation would meet a critical need of the Department: an official at the highest

level of the Department to develop coherent strategies and provide comprehensive policy guidance for responding to the full range of threats to our homeland.

This past spring, soon after being confirmed as the second Secretary of Homeland Security, Secretary Chertoff conducted a top-to-bottom review of the Department. As Secretary Chertoff said at the launch of this "Second Stage Review," the Congress created the Department of Homeland Security "to do more than simply erect a big tent under which a lot of different organizations would be collected." Instead, the purpose of the Department is to integrate the capabilities and achieve unity of effort among a wide range of agencies and entities that are involved in protecting our homeland.

In July, Secretary Chertoff announced the results of the "Second Stage Review" and proposed several organizational changes aimed at further integrating the Department's many components. Chief among these proposed changes was the creation of a Senate-confirmed Under Secretary with responsibility for policy development across the Department.

Thus, in keeping with Secretary Chertoff's proposal, this legislation would create an Under Secretary for Policy who is appointed by the President with the advice and consent of the Senate. This Under Secretary would serve as the Secretary's principal policy advisor and enable the Department to develop comprehensive policies and strategies—across all of the Departments' components—to meet homeland security challenge. The Under Secretary's responsibilities would cover four key areas: policy development, strategic planning, international affairs, and private sector outreach. The policy development and strategic planning functions are new, while the international affairs and private sector outreach functions are transferred from other parts of the Department in order to consolidate the full range of policy-level functions under this Under Secretary.

We need no better reason to take up this bill than the tragic events of a month ago. Hurricane Katrina was a natural disaster, but the devastation, suffering, and deprivation left in the wake of this powerful storm were compounded by the failure of all levels of government—local, State, and Federal—to prepare and respond in a unified, integrated way. Moreover, the capabilities needed to have dealt with Hurricane Katrina are in many instances the same capabilities that are needed to protect America from terrorism.

The governmental failures highlighted by Hurricane Katrina are evidence of the need for greater integration and unity of effort within the Department. At the heart of this integration, the Department needs a stronger emphasis on policy development and strategic planning to meet the full

range of threats to our homeland. Creating an Under Secretary for Policy is a critical step for ensuring that our government has a truly capable Department of Homeland Security.

I ask unanimous consent that the text of the bill establishing an Under Secretary for Policy within the Department of Homeland Security be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNDER SECRETARY FOR POLICY.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Policy Act of 2005".

(b) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI and section 601 as title XVIII and section 1801, respectively, and transferring that title to the end of the Homeland Security Act of 2002; and

(2) by inserting after title V, the following:

"TITLE VI—UNDER SECRETARY FOR POLICY

"SEC. 601. UNDER SECRETARY FOR POLICY.

"(a) IN GENERAL.—There shall be in the Department an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—Subject to the direction, authority, and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

"(1) POLICY.—

"(A) To serve as the principal policy advisor to the Secretary.

"(B) To provide overall direction and supervision for policy development to programs, offices, and activities of the Department.

"(C) To establish and direct a formal policymaking process for the Department.

"(D) To analyze, evaluate, and review completed, ongoing, and proposed programs, to ensure they are compatible with the Secretary's priorities, strategic plans, and policies.

"(2) STRATEGIC PLANNING.—

"(A) To conduct long-range, strategic planning for the Department.

"(B) To prepare national and Department strategies, as appropriate.

"(C) To conduct net assessments of issues facing the Department.

"(D) To conduct reviews of the Department to ensure the implementation of this paragraph.

"(3) INTERNATIONAL RESPONSIBILITIES.—

"(A) To promote informational and educational exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, including—

"(i) the exchange of information on research and development on homeland security technologies;

"(ii) joint training exercises of first responders; and

"(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

"(B) To identify areas for homeland security informational and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

"(C) To plan and undertake international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities.

"(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

"(4) PRIVATE SECTOR.—

"(A) To create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland.

"(B) To advise the Secretary on the impact of the policies, regulations, processes, and actions of the Department on the private sector.

"(C) To interface with other relevant Federal agencies with homeland security missions to assess the impact of the actions of such agencies on the private sector.

"(D) To create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary—

"(i) to advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

"(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

"(E) To work with Federal laboratories, federally funded research and development centers, other federally funded organizations, academia, and the private sector to develop innovative approaches to address homeland security challenges to produce and deploy the best available technologies for homeland security missions.

"(F) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

"(G) To assist in the development and promotion of private sector best practices to secure critical infrastructure.

"(H) To coordinate industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.

"(I) To coordinate among Department operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) An Under Secretary for Policy.";

(2) by striking section 879;

(3) by redesignating sections 880 through 890 as sections 879 through 889, respectively; and

(4) in the table of contents—

(A) by redesignating the items relating to title VI and section 601 as relating to title XVIII and section 1801, respectively, and transferring the items relating to that title and section to the end of the table of contents;

(B) by inserting before the item relating to title VII the following:

"TITLE VI—UNDER SECRETARY FOR POLICY

"Sec. 601. Under Secretary for Policy.";

(C) by striking the item relating to section 879; and

(D) by redesignating the items relating to sections 880 through 890 as relating to sections 879 through 889, respectively.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce the Displaced Citizens Voter Protection Act. This bill is a companion measure to legislation introduced in the House by my friend Representative ARTUR DAVIS of Alabama. He has been a real advocate for victims of Hurricane Katrina, and I greatly appreciate his leadership on this issue.

We are continuing to learn more about and to grapple with the myriad ways that the Hurricane Katrina disaster has affected the lives of residents of the Gulf Coast. Hundreds of thousands of people fled their homes, and are temporarily displaced. Most of these people hope to eventually return to the communities from which they were driven, and have every intention of rebuilding their lives there. As the communities in Louisiana, Alabama, and Mississippi begin to rebuild, it is crucial that those who wish to return are able to take part in the government decisions that will have an impact on their communities and their lives. They must be able to elect the Federal leaders who will shape this recovery process.

The legislation that I will introduce today will make sure that victims of Hurricane Katrina who are temporarily displaced, and who intend to return to their home States, continue to be eligible to vote in their States, and that the government takes steps to inform them of their rights in this area. It would extend the same voting protections currently available to members of the military and overseas voters to those who are displaced temporarily by Katrina. Individuals who are qualified to vote in their original place of residence, and who intend to return to that place in the near future, will be able to vote by absentee ballot for Federal elections held through 2008. Voters who intend to return to their original place of residence would be able to use the forms available online that are currently used by members of the military and other citizens who are overseas to request absentee ballots from their home State. Voters requesting an absentee ballot would be required to include an affidavit certifying that they intend to return to their home State in the near future with their ballot. The bill also directs motor vehicle authorities and voter registration agencies to take steps to notify the public that this absentee ballot option is available for Katrina victims.

This legislation does not mandate where people should vote, nor does it place additional burdens on State election officials. It simply puts a mechanism in place to make sure that these voters do not lose their right to vote in elections simply because they are temporarily displaced.

The challenges that we face in the wake of Katrina are many, and unfortunately there is some disagreement in Congress about how best to help those affected by this tragedy. This is different. This bill is a straightforward, simple, and direct response that will help keep the electoral process accessible for victims of Hurricane Katrina. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Displaced Citizens Voter Protection Act of 2005".

SEC. 2. APPLICABILITY OF PROTECTIONS FOR ABSENT MILITARY AND OVERSEAS VOTERS TO KATRINA EVACUEES.

(a) RIGHT OF KATRINA EVACUEES TO USE ABSENTEE BALLOTING AND REGISTRATION PROCEDURES AVAILABLE TO MILITARY AND OVERSEAS VOTERS.—In the case of any individual who is an eligible Hurricane Katrina evacuee—

(1) the individual shall be treated in the same manner as an absent uniformed services voter and overseas voter for purposes of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), other than section 103(b)(1) (42 U.S.C. 1973ff-2(b)(1)); and

(2) the individual shall be deemed to be an individual who is entitled to vote by absentee ballot for purposes of the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.

(b) DEFINITION.—For purposes of this section, the term "eligible Hurricane Katrina evacuee" means an individual—

(1) who certifies to the appropriate State election official that the individual is absent from the place of residence where the individual is otherwise qualified to vote as a result of evacuation from an area affected by Hurricane Katrina; and

(2) who provides the official with an affidavit stating that the individual intends to return to such place of residence after the election or elections involved.

(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held in calendar years 2006 through 2008.

SEC. 3. REQUIRING DESIGNATED VOTER REGISTRATION AGENCIES TO NOTIFY DISPLACED INDIVIDUALS OF AVAILABILITY OF PROTECTIONS.

Each motor vehicle authority in a State and each voter registration agency designated in a State under section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-5(a)) shall take such steps as may be necessary to notify individuals to whom services are provided of the protections provided by section 2 and of the requirements for obtaining those protections, including the requirement to submit an affidavit stating that the individual intends to

return to the place of residence where the individual is otherwise qualified to vote.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce the Gasoline Affordability and Security, GAS, Act. With the average price of gasoline at \$2.86 a gallon in Pennsylvania and the national average even higher, conditions are ripe for Congress to critically examine why prices are rising and act to address those factors we can control. While we have little influence over OPEC, events in oil-exporting countries or growing demand in other nations, we can take steps to expand our shrunken refining capacity, diversify our transportation fuel supply and reduce demand.

Though critical for our Nation's energy security, the benefits of many Federal policies will take some time to realize. For this reason, my bill combines consumer protection provisions with proposals incentivizing innovative technology and conservation.

Consumers are understandably concerned that they are being taken advantage of at the pump. My bill will protect consumers by distinguishing retailers engaging in predatory business activities from those simply responding to market conditions beyond their control. Under my proposal, the Federal Trade Commission, FTC, is directed to define "price gouging" and set rules that they will have the authority to enforce. This provision would be effective in times of a declared energy emergency and would not be limited to a specific geographic area in which a major disaster occurs. My constituents can vigorously attest to the fact that the effects of a natural disaster on gasoline prices are not confined to that region. The damage caused by Hurricanes Katrina and Rita has affected consumers' pocketbooks nationwide.

And to better inform consumers, the FTC will be required to make available a list disclosing the name of any entity penalized under the Federal price gouging prohibition.

Twenty-eight States currently have price gouging laws on the books. In an effort to further assist States to tackle this issue, the GAS Act also directs the FTC to create a task force that will aid any state requesting assistance with the investigation of potential price gouging and provide technical assistance in reviewing or establishing state price gouging laws.

High prices are often not the result of price gouging, and consumers have a right to know what they're paying for in a gallon of gasoline. This information is available through the Energy Information Association, EIA. But because many Americans do not have Internet access or may not be able to easily extract this data, my bill encourages the EIA to disseminate, in a

manner suitable for posting, information regarding the cost components of a gallon of gasoline to individuals selling gas or diesel fuel. Retailers may then display this information for their customers.

One important strategy to combat rising fuel prices is to diversify our fuel supply. This can be accomplished through use of coal, a resource plentiful in my State of Pennsylvania and in other regions of the country. Coal-to-liquid fuel technology now enables us to use this resource in an environmentally friendly way that can greatly benefit our economy and create hundreds of jobs in Pennsylvania alone. I am proud to be a longtime supporter of this technology and other clean coal initiatives. In 2001, I was able to secure language to enable a Pennsylvania-based coal and energy company to compete for a Clean Coal Power Initiative, CCPI, grant, and I was pleased to secure a provision in the Energy bill earlier this year that helped make this project a reality. My legislation will further encourage the production of this clean fuel by dedicating funds from the CCPI to at least one additional project.

Another way all Americans can help reduce fuel prices is to reduce gasoline consumption. But the reality is that cutting back on gas, which we need to perform responsibilities as basic as going to work and getting to the grocery store, is not easy. To help encourage conservation, I am proposing a tax credit for employees who telecommute from home and for employers who make that possible. With today's advanced technology, telework should be a part of the 21st century workplace. Forty percent of our Nation's jobs are already compatible with telecommuting. It creates the best of all worlds for both employers and employees, while reducing gas consumption and emissions.

President Bush recently called on Federal agencies to cut back on unnecessary travel and look for other ways to conserve fuel. The legislative branch should make a concerted effort to do the same. We cannot expect the American people to make sacrifices that we ourselves are not willing to make. Accordingly, my bill includes language to urge Congress and legislative branch employees to conserve transportation fuel by whatever means practicable, and as a part of these efforts, promote teleworking.

It is my hope that Congress will take a hard look at this country's fuel supply and will act decisively to make us less reliant on foreign sources. This Act contains steps we can take now to protect consumers and conserve fuel, while moving towards our goal of lower prices and energy independence.

I ask unanimous consent that the text of legislation titled: the "Gasoline Affordability and Security Act" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gasoline Affordability and Security Act" or the "GAS Act".

TITLE I—CONSUMER PROTECTION

SEC. 101. PROHIBITION ON GASOLINE PRICE GOUGING.

(a) UNLAWFUL CONDUCT.—During the 30-day period beginning on the date on which the President determines the existence of conditions warranting the drawdown and sale of petroleum products from the Strategic Petroleum Reserve under subsection (d) or (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person to sell gasoline or diesel fuel at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) ENFORCEMENT.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) and shall be enforced by the Federal Trade Commission in accordance with all applicable terms and provisions of the Federal Trade Commission Act.

(c) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty in an amount not to exceed \$11,000 per day in which a violation occurs.

(d) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate rules, in accordance with section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)), that—

(1) define "price gouging" for purposes of this section; and

(2) carry out this section.

SEC. 102. COMPETITIVE PRICING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Federal Trade Commission shall establish a Competitive Pricing Task Force (referred to in this section as the "Task Force").

(b) DUTIES.—The Task Force shall provide each State attorney general who requests assistance from the Task Force—

(1) with assistance in the investigation of alleged price gouging affecting the consumers of the State; and

(2) such additional technical assistance as may be necessary in studying and drafting State laws to prohibit price gouging.

(c) DURATION.—The Task Force shall carry out the duties described in subsection (b) during the 2-year period beginning on the date on which the Task Force is established under subsection (a).

SEC. 103. CONSUMER INFORMATION.

(a) LIST.—The Federal Trade Commission shall publish a list on its Web site containing the names of all persons penalized under section 101.

(b) INFORMATION ABOUT GASOLINE PRICES.—The Energy Information Administration of the Department of Energy shall disseminate to all persons selling gasoline or diesel fuel to retail consumers, in a manner suitable for posting, information contained in the table on the Administration's Web site entitled, "WHAT WE PAY FOR IN A GALLON OF REGULAR GASOLINE", to inform such consumers of the factors contributing to the price of gasoline.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—INCREASING SUPPLY

SEC. 201. FUEL DIVERSIFICATION.

Section 402 of the Energy Policy Act of 2005 (42 U.S.C. 15962) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking "and" at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv) the following:

"(v) a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel; and"; and

(2) by adding at the end the following:

"(j) ENERGY POLICY PRIORITY.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date on which the Secretary provides funds for a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel under subsection (b)(1)(A)(v), the Secretary shall establish as an energy policy priority the expedited, large-scale commercialization of that technology to promote the supply of affordable, clean, domestic gasoline and diesel fuel.

"(2) SUBSEQUENT PROJECTS.—

"(A) IN GENERAL.—In accordance with the energy policy priority established under paragraph (1), the Secretary shall provide funds for a subsequent Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel as soon as practicable after the date on which the priority is established.

"(B) CRITERIA FOR SELECTION.—In carrying out subparagraph (A), the Secretary shall select the private sector recipient that is the most capable of designing and constructing a Fischer-Tropsch technology project with an output of not less than 50,000 barrels per day of ultra-low sulfur transportation fuel, as determined by the Secretary."

SEC. 202. FUEL TREATMENT.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct an expedited review of any fuel additive an application for verification for which has been filed in accordance with the voluntary diesel retrofit program.

TITLE III—DECREASING DEMAND

SEC. 301. CREDIT FOR TELEWORKING.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. TELEWORKING CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified teleworking expenses paid or incurred by the taxpayer during such year.

"(b) MAXIMUM CREDIT.—

"(1) PER TELEWORKER LIMITATION.—The credit allowed by subsection (a) for a taxable year with respect to qualified teleworking expenses paid or incurred by or on behalf of an individual teleworker shall not exceed—

"(A) in the case of an eligible taxpayer described in subsection (c)(1)(A), \$1,000, and

"(B) in the case of an eligible taxpayer described in subsection (c)(1)(B), \$2,000.

"(2) REDUCTION FOR TELEWORKING LESS THAN FULL YEAR.—In the case of an individual who is in a teleworking arrangement for less than a full taxable year, the dollar amount referred to subparagraph (A) or (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to such dollar amount as the number of months in which such individual is not in a teleworking arrangement bears to 12. For purposes of the

preceding sentence, an individual shall be treated as being in a teleworking arrangement for a month if the individual is subject to such arrangement for any day of such month.

“(c) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means—

“(A) in the case of an individual, an individual who performs services for an employer under a teleworking arrangement, and

“(B) in the case of an employer, an employer for whom employees perform services under a teleworking arrangement.

“(2) TELEWORKING ARRANGEMENT.—The term ‘teleworking arrangement’ means an arrangement under which an employee teleworks for an employer not less than 75 days per year.

“(3) QUALIFIED TELEWORKING EXPENSES.—The term ‘qualified teleworking expenses’ means expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.

“(4) TELEWORK.—The term ‘telework’ means to perform work functions, using electronic information and communication technologies, thereby reducing or eliminating the physical commute to and from the traditional work site.

“(d) LIMITATION BASED ON AMOUNT OF TAX.—

“(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

“(B) the tentative minimum tax for the taxable year.

“(2) CARRYFORWARD OF UNUSED CREDIT.—If the amount of the credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for the taxable year, the excess shall be carried to the succeeding taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

“(e) SPECIAL RULES.—

“(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

“(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

“(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(4) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any expense if the taxpayer elects to not have this section apply with respect to such expense.

“(5) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section.”.

(b) CONFORMING AMENDMENTS.—

Subsection (a) of section 1016 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(e)(1), in the case of amounts with respect to which a credit has been allowed under section 30D.”.

(2) Section 55(c)(3) of such Code is amended by inserting “30D(d),” after “30(b)(3),”.

(3) Section 6501(m) of such Code is amended by inserting “30D(e)(4),” after “30C(e)(5),”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 30D. Teleworking credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 302. EMPLOYER-PROVIDED COMPUTER EQUIPMENT TREATED AS FRINGE BENEFIT.

(a) IN GENERAL.—Subsection (a) of section 132 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “, or”, and by adding at the end the following new paragraph:

“(9) qualified employer-provided computer equipment fringe.”.

(b) QUALIFIED EMPLOYER-PROVIDED COMPUTER EQUIPMENT FRINGE.—Section 132 of such Code is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) QUALIFIED EMPLOYER-PROVIDED COMPUTER EQUIPMENT FRINGE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified employer-provided computer equipment fringe’ means any computer and related equipment and services provided to an employee by an employer if—

“(A) such computer and related equipment and services are necessary for the employee to perform work for the employer from the employee’s home, and

“(B) the employee makes substantial business use of the equipment in the performance of work for the employer.

“(2) SUBSTANTIAL USE.—For purposes of paragraph (1), the term ‘substantial business use’ includes standby use for periods when work from home may be required by the employer such as during work closures caused by the threat of terrorism, inclement weather, or natural disasters.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 303. SENSE OF CONGRESS.

It is the sense of Congress that Congress and the employees of the legislative branch of the Federal Government should—

(1) conserve gasoline, aviation, and diesel fuel by whatever means practicable; and

(2) as a part of such conservation efforts, promote teleworking.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—DESIGNATING THE WEEK BEGINNING OCTOBER 16, 2005, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. DOMENICI (for himself, Mr. DODD, Mr. STEVENS, Mr. AKAKA, Mr. WARNER, Ms. LANDRIEU, Mr. DEWINE, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. JOHNSON, Mr. ENZI, Mr. KERRY, Mr. COCHRAN, Mr. LEVIN, Mr. LOTT, Mr.

BIDEN, Mr. ALLEN, Ms. STABENOW, Mr. INHOFE, Mr. DURBIN, Mr. ENSIGN, Mr. ROCKEFELLER, Mr. CORNYN, Mr. BURNS, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. TALENT, Mrs. DOLE, Mr. CRAIG, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator DODD to introduce a resolution regarding National Character Counts Week. Our resolution says the week of October 16 through 22 of this year will be known across the country as National Character Counts Week.

I have risen many times on this Senate floor to speak about the importance of character in our everyday lives. Over this past year, there have been many instances when our individual and our country's character have been challenged. These situations have compelled us to evaluate our core beliefs, our ethics, but most of all our character. I ask that everyone take some time during October 16–22 to stop and reflect upon their individual core character beliefs.

The Character Counts program identifies the following values as the Six Pillars of Character. They are: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character Counts includes support from forty States and 500 municipalities, school districts, and business groups. But not only is this program promoting the six tenants nationwide, it is becoming utilized on an international level as well. Last year in 2004, celebrations for Character Counts Week included Bangkok, Thailand; Busan, Korea; and Choluteca, Honduras.

Since my initial involvement with Character Counts in 1993, I have always had a specific interest in the programs run in my home State of New Mexico, especially how these programs have influenced students. From its start in Albuquerque, it has expanded statewide to areas such as Grants, Shiprock, Roswell, Laguna, Portales, Farmington, Carlsbad, Ramah, and Los Alamos. I am proud to say that many of the staffers in my personal office are graduates of the initial chartering program of Character Counts New Mexico. It is extremely rewarding to hear how this program impacted their lives growing up and I look forward to continual development of this program not only in my home State but nationally and internationally.

I believe we can all learn a lot from the Character Counts program. While the Character Counts program specifically focuses on youth, I would like to share some of the simple lessons that are taught under the Six Pillars of Character. These words might be simple but they speak with magnitude.

Trustworthiness: Be honest. Don't deceive, cheat or steal. Be reliable—do what you say you'll do. Have the cour-

age to do the right thing. Build a good reputation. Be loyal—stand by your family, friends and country.

Respect: Treat others with respect; follow the Golden Rule. Be tolerant of differences. Use good manners, not bad language. Be considerate of the feelings of others. Don't threaten, hit or hurt anyone. Deal peacefully with anger, insults and disagreements.

Responsibility: Do what you are supposed to do. Persevere: keep on trying. Always do your best. Use self-control. Be self-disciplined. Think before you act—consider the consequences. Be accountable for your choices.

Fairness: Play by the rules. Take turns and share. Be open-minded; listen to others. Don't take advantage of others. Don't blame others carelessly.

Caring: Be kind. Be compassionate and show you care. Express gratitude. Forgive others. Help people in need.

Citizenship: Do your share to make your school and community better. Cooperate. Get involved in community affairs. Stay informed; vote. Be a good neighbor. Obey laws and rules. Respect authority. Protect the environment.

The bottom line is that I believe the Character Counts program is working in New Mexico and other parts of the country. Today, we salute the efforts already underway and encourage even more character education across our country.

So today, Senator DODD and I are here to introduce a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life.

I hope that my colleagues will support this effort.

Mr. DODD. Mr. President, today I join my friend and colleague from New Mexico, Senator DOMENICI, in submitting a resolution declaring the week of October 16th "National Character Counts Week." Senator DOMENICI and I have worked together for many years on the issue of character education and hope that by designating a special week to this cause, students and teachers will come together to participate in character building activities in their schools. In 1994, Senator DOMENICI and I established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. I am pleased that we are continuing our efforts today to help expand States' and schools' abilities to make character education a central part of every child's education.

Our schools may be built with the bricks of English, math and science, but character education certainly is the mortar. Character education means teaching students about such qualities as caring, citizenship, fairness, respect, responsibility, trustworthiness, and other qualities that their community values. It isn't a separate subject, but part of a seamless garment of learning providing students with a context within which to learn.

Earlier this week I was in Connecticut attending an event that honored the fundamentals of character education, especially those of caring, responsibility and citizenship. In response to the devastation caused by the tsunami last December, Connecticut schoolchildren across the State came together to raise money for tsunami relief. Collectively, 350 schools rose over \$300,000 in hopes of building a school in Sri Lanka. Knowing that it would take approximately a half million dollars to rebuild one, the students also worked to find a nonprofit willing to match their donation. They did. The Brother's Brother Foundation, a nonprofit that seeks to improve international health and education, brought the final contribution amount to \$600,000.

These collective dollars will be used to build a 1,500-pupil school consisting of four buildings, including science and computer labs, in Sri Lanka. But that's not all. Dedicated to their cause, these students plan to continue to donate money for the next five years to fill the Sri Lankan students' library with books and to make sure that they have necessary school supplies. Since the initial fundraising effort, these same students have begun collecting small change and checks for Katrina relief efforts. These efforts, efforts to help students, hundreds and some times hundreds of thousands of miles away, demonstrate character at its best.

Schools across the country that have adopted formal character education programs report better student performance, fewer discipline problems, and increased student involvement within the community. Children want direction—they want to be taught right from wrong. The American public wants character education in our schools, too. Studies show that about 90 percent of Americans support schools teaching character education.

As all education policy should be, character education is bi-partisan. This year we have 26 cosponsors to our resolution, cosponsors on both sides of the aisle. Character education not only cultivates minds, it nurtures hearts. While our children may be one-quarter of our population, they are 100 percent of our future.

Mr. BURNS. Mr. President, I rise today in support of a resolution offered by my colleague from New Mexico, Senator PETE DOMENICI. For many years, I have supported his efforts to identify a week in October as National Character Counts Week. The important aspect of this legislation is its focus on children. Children growing up in these times often face much more difficult experiences and must mature more quickly than when I was young. One of fastest growing problems in Montana is the rate of methamphetamine use and addiction by teens. All it takes is one try—teens get hooked trying to recreate that first rush. It is vitally important to encourage young people to have positive role models in their lives in

order to develop a strong, positive character to avoid the temptation to try meth or engage in other dangerous behaviors. I urge my colleagues to support this resolution, and I thank Senator DOMENICI for his leadership.

SENATE RESOLUTION 272—RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY, A JUDGE FOR THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Mr. SCHUMER (for himself, Mr. SPECTER, Mrs. CLINTON, Mr. OBAMA, Mr. BAYH, Ms. MIKULSKI, Mr. PRYOR, Mr. BINGAMAN, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Ms. STABENOW, Mr. CORZINE, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, Mr. CRAPO, Mr. LAUTENBERG, Mr. COCHRAN, Mr. COLEMAN, Mr. HAGEL, Mr. SALAZAR, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. REID, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for 2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, *Brown v. Board of Education*;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in *Swain v. Alabama*, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in *Batson v. Kentucky* on grounds that had been largely asserted by Constance Baker Motley in the *Swain* case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-

American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

SENATE CONCURRENT RESOLUTION 58—SUPPORTING “LIGHTS ON AFTERSCHOOL”, A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mrs. BOXER, Ms. COLLINS, Mr. AKAKA, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 58

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas “Lights On Afterschool!”, a national celebration of after school programs held on October 20, 2005, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in

the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of “Lights On Afterschool!” a national celebration of after school programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1858, to provide for community disaster loans; which was ordered to lie on the table.

SA 2057. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006 the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

SA 2058. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, *supra*.

SA 2059. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3971, An act to provide assistance to individuals and States affected by Hurricane Katrina.

TEXT OF AMENDMENTS

SA 2056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1858, to provide for community disaster loans; which was ordered to lie on the table; as follows:

On page 2, line 10, insert before the : “Only with the approval of Congress”

On page 2, line 10, strike out “not”

SA 2057. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits”; as follows:

On page 2, line 10, strike “December 31, 2007” and insert “March 31, 2006”.

SA 2058. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits; as follows:

Amend the title so as to read: “To extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.”.

SA 2059. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3971, An act to provide assistance to individuals and States affected by Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Cost-Sharing and Welfare Extension Act of 2005”.

SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER 2006.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “September 2005” and inserting “September 2006”.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is \$100,000,000; and

“(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is \$300,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or (D)” after “subparagraph (B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109-68), is amended by striking “December 31, 2005” and inserting “March 31, 2006”.

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)) is amended by inserting “and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)” after “agents”.

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended by adding at the end the following new subparagraph:

“(K) Agents when used to treat sexual or erectile dysfunction, except that such exclusion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 20, 2005 at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Nate Gentry (202) 224-2179 or Steve Waskiewicz at (202) 228-6195.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, October 7, 2005, at 10 a.m. to hold a business meeting to consider pending committee business.

Agenda**Nomination**

1. Julie L. Myers to be Assistant Secretary, U.S. Department of Homeland Security.

Legislation

1. S. , an original bill to repeal the increased micro-purchase threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2005 third quarter mass mailings is Tuesday, October 25, 2005. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D. C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

UNANIMOUS CONSENT—H.R. 3058

Mr. STEVENS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, on Monday, October 17, the Senate proceed to the immediate consideration of Calendar No. 175, H.R. 3058, the Transportation-Treasury appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SERVICES EMERGENCY RELIEF AND RECOVERY ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3971, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3971) to provide assistance to individuals and States affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2059) was agreed to, as follows:

AMENDMENT NO. 2059

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Cost-Sharing and Welfare Extension Act of 2005”.

SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER 2006.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “September 2005” and inserting “September 2006”.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is \$100,000,000; and

“(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is \$300,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or (D)” after “subparagraph (B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109-68), is amended by striking “December 31, 2005” and inserting “March 31, 2006”.

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)) is amended by inserting “and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)” after “agents”.

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended by adding at the end the following new subparagraph:

“(K) Agents when used to treat sexual or erectile dysfunction, except that such exclu-

sion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

The bill (H.R. 3971), as amended, was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 312, 313, 314, 315, 316, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 366, 367, 368, 369, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years, Howard, Jr., resigned.

THE JUDICIARY

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

FEDERAL LABOR RELATIONS AUTHORITY

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

DEPARTMENT OF HOMELAND SECURITY

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF COMMERCE

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

DEPARTMENT OF THE TREASURY

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

DEPARTMENT OF COMMERCE

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF STATE

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Western Hemisphere Affairs).

INTER-AMERICAN DEVELOPMENT BANK

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

MILLENNIUM CHALLENGE CORPORATION

John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.

DEPARTMENT OF STATE

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Jacqueline Ellen Schafer, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs), vice Lincoln P. Bloomfield, Jr., resigned.

Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

AFRICAN DEVELOPMENT FOUNDATION

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

DEPARTMENT OF STATE

Francis Rooney, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Alfred Hoffman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Charles A. Ford, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Mark Langdale, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Brenda LaGrange Johnson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Patricia Louise Herbold, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

William Paul McCormick, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

DEPARTMENT OF THE INTERIOR

H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, vice Steven A. Williams, resigned.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN796 Foreign Service nomination of Robert S. Connan, which was received by the Senate and appeared in the Congressional Record of July 29, 2005.

Mr. LEVIN. Mr. President, I rise to address the nomination of Stewart Baker to be Assistant Secretary for Policy at the Department of Homeland Security.

Last week, when Mr. Baker's nomination came before the Senate Committee on Homeland Security and Governmental Affairs, I voted no. That is my position today.

Mr. Baker is an intelligent and accomplished man, but he does not have the experience necessary to fill this important post at this important time. Mr. Baker is a lawyer with experience in national security, trade, and technology. He has been widely published on topics such as cyber-security and civil liberties. I understand that he performed capably as the general counsel of the Silverman-Robb Commission on WMD intelligence capabilities. Mr. Baker might be well qualified for many positions at DHS, but he is not qualified to be Assistant Secretary for Policy.

During his confirmation hearing before our committee, Mr. Stewart testified that he expected to be the "central player" at DHS on "lessons learned" from Hurricane Katrina, to develop emergency response policy, and to be a key player on immigration reform,

among other matters. Yet when asked at his hearing if he had emergency response experience, he said "no." He also admitted to having little expertise on immigration issues.

While no one could be expected to be an expert on all of the issues addressed by DHS, it makes little sense to me to appoint a person with no emergency response experience to be the central player on lessons learned from Katrina, or to appoint a person with little immigration expertise to articulate Federal immigration policy, especially when, over the next few years, both issues—emergency response and immigration—will be so prominent at the Department. As we have learned from the Katrina disaster, we cannot afford to have inexperienced people in senior positions at DHS for on-the-job training.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SEQUENTIAL REFERRAL OF NOMINATION

Mr. STEVENS. Mr. President, as in executive session, I ask consent that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie Myers, the nomination then be sequentially referred to the Judiciary Committee for up to 30 calendar days; provided further that if not reported by that time, the nomination be automatically discharged from the Judiciary Committee and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION SIGNING

Mr. STEVENS. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE ADJOURNMENT APPOINTMENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or nonparliamentary conferences authorized by law, by current action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—ADJOURNMENT RESOLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, when the Senate receives from the House the adjournment resolution, the text of which is at the desk, the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURE STATUS OF KOSOVO

Mr. STEVENS. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to consider Senate Resolution 237.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 237) expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting "substantial autonomy and self-governance" in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the

preservation of cultural heritage, and the development of a sustained dialogue, including a Pristina-Belgrade dialogue and a regional dialogue;

Whereas the ethnic violence that occurred in Kosovo from March 17, 2004 through March 19, 2004, represented a severe setback to the progress the people of Kosovo achieved in implementing the Standards for Kosovo and resulted in 20 deaths and damage to or destruction of approximately 900 homes and 30 Serbian Orthodox churches and other religious sites;

Whereas the bomb attacks against the people and international institutions in Kosovo that occurred from July 2, 2005 through July 4, 2005, were unacceptable events that work counter to the interests and efforts of the majority of the people of Kosovo and signal that more work must be done to promote the implementation of the Standards for Kosovo;

Whereas the status of Kosovo, which is neither stable nor sustainable, is a critical issue affecting the aspirations of Southeast Europe for stability, peace, and eventual membership in the European Union;

Whereas the authorities and institutions of Kosovo must be empowered to act independently to achieve the Standards for Kosovo so that such authorities and institutions may assume responsibility for any progress or setbacks;

Whereas 2005 must be a year of decision for representatives of Kosovo, Serbia and Montenegro, and the United Nations to move forward on the status of Kosovo;

Whereas the basic values of multi-ethnicity, democracy, and market-orientation must remain at the heart of any effort to resolve the question of the future status of Kosovo; and

Whereas the support of all of the people of Kosovo is required to achieve a successful outcome that addresses those basic values: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unresolved status of Kosovo is neither sustainable nor beneficial to the progress toward stability and peace in Southeast Europe and its integration with Europe;

(2) the leaders of Kosovo and Serbia and Montenegro and the representatives of the United Nations should work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo;

(3) such agreement and plan should—

(A) address the claims and satisfy the key concerns of the people of Kosovo and the people of Serbia and Montenegro;

(B) seek compromises from both Kosovo and Serbia and Montenegro to reach an agreement;

(C) promote the integration of Southeast Europe with the European Union and the North Atlantic Treaty Organization;

(D) reinforce efforts to encourage full cooperation by the governments of Kosovo and of Serbia and Montenegro with the International Crimes Tribunal for the Former Yugoslavia;

(E) promote stability in the region and take into consideration the stability of democracy in Kosovo and in Serbia and Montenegro;

(F) promote the active participation of Serbians in Kosovo in elections and in the government of Kosovo; and

(G) require the fulfillment of the Standards for Kosovo, the requirements that the United Nations Interim Administration Mission in Kosovo established to advance stability in Kosovo, in accordance with prior commitments and in support of the initiation of discussions on status with particular emphasis on the problem of human rights in minority communities;

(4) the anticipated discussions of the long-term status of Kosovo should result in a plan for implementing the Standards for Kosovo, particularly with regard to minority protections, return of property, and the development of rule of law as it relates to the improvement of protection of minorities, the return of internally displaced persons, the return of property, and the prosecution of human rights violations; and

(5) Kosovo, Serbia and Montenegro, and the United Nations, during the negotiations related to the long-term status of Kosovo, should require—

(A) increased monitoring and reporting of the progress on the implementation of the Standards for Kosovo and any incidents of human rights violations, and should broaden the involvement of minorities and community-level representatives in monitoring, reporting, and publicizing that progress;

(B) that the authorities and institutions of Kosovo be given greater authority and independence in fulfilling the Standards for Kosovo, including assuming the responsibility for any setbacks and progress and acquiring experience in assuming greater autonomy; and

(C) a broad public awareness campaign to raise awareness of both the plan to resolve the question of the status of Kosovo and the requirements for the transition of Kosovo to a permanent status, including the importance of the progress in implementing the Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

EXTENDING AUTHORITY OF THE SECRETARY OF THE ARMY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Environment and Public Works be discharged from further consideration of H.R. 3765 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2057 and 2058) were agreed to, as follows:

AMENDMENT NO. 2057

(Purpose: To modify the reauthorization period of a certain water resource program)

On page 2, line 10, strike "December 31, 2007" and insert "March 31, 2006".

AMENDMENT NO. 2058

Amend the title so as to read: "To extend through March 31, 2006, the authority of the

Secretary of the Army to accept and expand funds contributed by non-Federal public entities and to expedite the processing of permits."

The bill (H.R. 3765), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future editing of the RECORD.)

NATIONAL CHARACTER COUNTS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 271, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 271) designating the week beginning October 16, 2005, as "National Character Counts Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, submitted early today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 272) recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I am in support of this resolution to recognize and honor the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York. Sadly, Judge Motley passed away last week, on September 28, 2005, at the age of 84, after having lived an extraordinary and exemplary life.

Constance Baker Motley was the first African American woman, and only the fifth woman, to serve on the federal judiciary. Before becoming a judge, she was a renowned civil rights lawyer,

public servant, and trailblazer. Her remarkable career reads like a civil rights history book.

After earning her Bachelor of Arts degree in Economics from New York University and her law degree from Columbia University, Constance Baker Motley joined Thurgood Marshall at the NAACP Legal Defense and Educational Fund. For 2 decades, Constance Baker Motley worked closely with Marshall and other leading civil rights lawyers to dismantle desegregation throughout the country.

She was the only woman on the legal team that won the landmark desegregation case, *Brown v. Board of Education*. She went on to argue 10 major civil rights cases before the Supreme Court, winning all but one of them, including James Meredith's fight to gain admission to the University of Mississippi.

In 1964, Judge Motley became the first African-American woman elected to the New York State Senate, and in 1965, she became the first African-American woman, and woman, to serve as a city borough president, the great borough of Manhattan. During this time, Judge Motley worked tirelessly to revitalize the inner city and improve urban housing and public schools.

In 1966, President Lyndon B. Johnson appointed Constance Baker Motley to the Southern District of New York. She was confirmed 9 months later, over the strong opposition of Southern Senators. She rose to the position of Chief Judge in 1982, and assumed senior status 4 years later. She served with distinction for nearly 4 decades, until last week. Her passing is a great loss to New York, as well as the country, and for this reason her life must be remembered and celebrated.

This resolution extends the Senate's heartfelt sympathy to Judge Motley's friends and family and commends her for her 39-year tenure on the United States District Court for the Southern District of New York and her lifelong commitment to the advancement of civil rights and social justice.

Mr. OBAMA. Mr. President, I rise today to say that, as I have often thought, justice is a curious thing.

She has been poked and prodded, detained and defaced, and her piercing light is too often hidden from view. Justice had a tough time in Montgomery and Selma, and she took a sore drumming alongside Susan B. Anthony and the other fighters for women's suffrage. If you asked Dr. Martin Luther King, Jr. or Ms. Fannie Lou Hamer where justice was during those cold nights in jail in 1963, they might have said that she was nowhere to be found.

But inevitably and incredibly justice always seems to find her way. She creeps into the dark spots of our history. She rears her head where she is not wanted. And, eventually, she causes the barriers meant to hold her back to crack and crumble, under the collective weight of those who fight for her cause.

On January 25, 1966, justice was at it again. It was on that date after a storied career of educational success, fervent legal advocacy, and legislative accomplishments that Constance Baker Motley became the first African-American woman appointed to the Federal judiciary. Judge Motley passed away on September 28, 2005, at the age of 84. She is survived by her husband Joel, a son, three sisters and a brother. I rise today to honor her and the concept of justice for which she fought all her life.

Constance Baker was born on September 14, 1921, in New Haven, CT. Her father was a chef for an exclusive club at Yale, and her mother was active in the NAACP. She graduated from New York University in 1943 and received her law degree from Columbia University in 1946. As a third-year student at Columbia, Judge Motley joined the staff of the NAACP Legal Defense and Educational Fund. She would eventually become its principal trial attorney.

Judge Motley's list of accomplishments while working for the Legal Defense Fund is stunning. In 1950, she drafted the complaint that would become *Brown v. Board of Education*. In 1957 she argued the case in Little Rock, AR, which prompted President Eisenhower to call in Federal troops to protect the “Little Rock Nine”. She personally argued the 1962 case in which James Meredith won admission to the University of Mississippi, as well as the suit that resulted in the enrollment of black students at the University of Georgia. All told, Judge Motley won 9 of the 10 civil rights cases she argued before the Supreme Court, an astounding accomplishment for that or any other time period.

After 20 years with the NAACP, Judge Motley was elected to the New York State Senate and became the first African-American woman to serve in that body. Among her first tasks was fighting for additional low- and middle-income housing. In February of 1965, Judge Motley was elected to serve as the President of the Borough of Manhattan, becoming the first woman of any race to serve in that post. And in 1966, President Johnson helped bring justice's work full circle. He appointed Judge Motley to the Federal District Court for the Southern District Court of New York, making her the first African American woman to sit on the Federal bench. She served with distinction in the Southern District, and became the chief judge of this court in 1982. She took senior status in 1986.

I honor Judge Motley today. I honor her for her wisdom, for her tenacity, and for the fire with which she advocated for equal rights. And, equally important, I honor the spirit of justice that motivated Constance Baker Motley. It spurred her on from her early days in Connecticut to her long and distinguished tenure on the Federal bench. I ask that this body and all Americans remember Judge Motley today. And I ask that we attempt to infuse the same sense of justice which

guided Judge Motley into our own work, and our daily lives.

I am pleased to join a bipartisan group of my colleagues in introducing a resolution honoring the life of Judge Constance Baker Motley and I hope this body will move swiftly to its passage.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for 2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, *Brown v. Board of Education*;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in *Swain v. Alabama*, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in *Batson v. Kentucky* on grounds that had been largely asserted by Constance Baker Motley in the *Swain* case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 161, which was received from the House.

The PRESIDING OFFICER. The clerk will please report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 161) authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 161) was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

INTER-AMERICAN CONVENTION AGAINST TERRORISM—TREATY DOCUMENT NO. 107-18

U.N. CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME—TREATY DOCUMENT NO. 108-16

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar, Nos. 2 and 3. I fur-

ther ask unanimous consent that these treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions for ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification, to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid on the table; the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

INTER-AMERICAN CONVENTION AGAINST TERRORISM (T.D.107-18)

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO UNDERSTANDING

Resolved (two-thirds of the Senators present concurring therein), The Senate advises and consents to the ratification of the Inter-American Convention Against Terrorism (the "Convention"), adopted at the thirty-second regular session of the General Assembly of the Organization of American States meeting in Bridgetown, Barbados, and signed by the United States on June 3, 2002 (Treaty Doc. 107-18), subject to the understanding in Section 2.

SECTION 2. UNDERSTANDING

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

The United States of America understands that the term "international humanitarian law" in paragraph 2 of Article 15 of the Convention has the same substantive meaning as the law of war.

SECTION 3. RESERVATIONS, UNDERSTANDING, AND DECLARATION RELATIVE TO THE TRAFFICKING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b), of the United Nations Convention Against Transnational Organized Crime with respect to the offenses established in the Trafficking Protocol. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) of the Convention to the extent provided for under its federal law.

(2) The United States of America reserves the right to assume obligations under this Protocol in a manner consistent with its fundamental principles of federalism, pursuant

to which both federal and state criminal laws must be considered in relation to conduct addressed in the Protocol. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, such as the Thirteenth Amendment's prohibition of "slavery" and "involuntary servitude," serves as the principal legal regime within the United States for combating the conduct addressed in this Protocol, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or otherwise implicate another federal interest, such as the Thirteenth Amendment. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Protocol. The United States of America therefore reserves to the obligations set forth in the Protocol to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Protocol.

(3) In accordance with Article 15, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 15, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with trafficking in persons.

(c) DECLARATION.—The advice and consent of the Senate under section 1 is subject to the following declaration relative to the Trafficking Protocol:

The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Protocol.

SECTION 4. RESERVATIONS AND UNDERSTANDING RELATIVE TO THE SMUGGLING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America criminalizes most but not all forms of attempts to commit the offenses established in accordance with Article 6, paragraph 1 of this Protocol. With respect to the obligation under Article 6, Paragraph 2(a), the United States of America reserves the right to criminalize attempts to commit the conduct described in Article 6, paragraph 1(b), to the extent that under its laws such conduct relates to false or fraudulent passports and other specified identity documents, constitutes fraud or the making of a false statement, or constitutes attempted use of a false or fraudulent visa.

(2) In accordance with Article 20, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 20, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with smuggling of migrants.

Mr. SESSIONS. Mr. President, the Senate is prepared to ratify two important treaties, the Inter-American Convention Against Terrorism, and the United Nations Convention Against Transnational Organized Crime.

As a former prosecutor, I believe these treaties will provide important tools in our war against terrorism and organized crime.

However, as chairman of the Senate Steering Committee, and as a United States Senator, it is my job to carefully review all legislation and treaties to ensure that they are consistent with our Constitution and in the best interest of the United States.

In reviewing these treaties, there were two matters I felt needed further clarification.

First, the issue of extradition. I believe it is important that if we are going to enter into an extradition arrangement, it strengthen our hand with respect to nations, such as Mexico, who have refused to extradite violent criminals to the United States for prosecution. It serves no purpose to enter into treaties with no teeth.

Second, the International Criminal Court: The position of the United States has been firm in opposition to any expanded powers of the International Criminal Court. These treaties were silent on the ICC. They did not explicitly permit the ICC from exercising jurisdiction over matters, nor do they prohibit it from doing so. Were I not absolutely certain that these treaties would provide no mechanism for an overzealous ICC prosecutor to assert new jurisdiction, these treaties would not be ratified today.

However, based on an exchange of correspondence with the United States Department of Justice, I am satisfied that there is absolutely no way the ICC may assert any new jurisdiction based upon these treaties.

I received this letter by fax within the last few minutes, and it is on this basis that I am permitting these treaties to proceed. I am confident that these treaties are in the interest of the United States, and this correspondence will serve as legislative history with respect to the concerns I just addressed.

I ask unanimous consent that the above-referenced letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: We are pleased to have the opportunity to respond to your letter of October 6, posing questions about the United Nations Convention Against Transnational Organized Crime and the Inter-American Convention Against Terrorism. Both Conventions are strongly supported by the Administration, and we urge immediate action by the Senate to provide its advice and consent to ratification. As you may be aware, the first Conference of States Parties to the U.N. transnational organized crime convention will commence in Vienna on October 10, and thus there is particular urgency to the Senate acting today to approve this treaty and thereby strengthen the United States' ability to participate effectively at this meeting.

Your first question concerned Article 16 of the U.N. Convention on transnational organized crime and its impact on our existing bilateral extradition relations. This is a common provision in multilateral law enforcement treaties, and it can strengthen our extradition relationships under existing bilateral extradition treaties by requiring that the organized crime offenses covered by the U.N. Convention be included as extraditable offenses under those existing treaties. This can be helpful with older treaties that contain a limited list of extraditable offenses. Our treaty with Mexico, however, is not so limited.

As you suggest in your letter, a particular concern with Mexico at this time is the impact of a 2001 Mexican Supreme Court decision which barred extradition where a defendant would be subject to a life sentence. The U.N. Convention does not resolve this issue; at the same time it in no way endorses, or requires the United States to acquiesce in, such a limitation on extradition. You can be assured that resolving this problem in our extradition relations with Mexico remains a major objective of the Departments of Justice and State and is one that Attorney General Gonzales has raised personally with the Mexican Attorney General and with the Mexican Foreign Minister. We are hopeful that a recent decision of the Mexican Supreme Court in a domestic criminal case may open the door to a favorable revision of its 2001 decision, and we are committed to working with Mexico to that end.

With respect to your question concerning potential interplay between these treaties and the International Criminal Court (ICC), I can assure you that the Administration continues to have fundamental concerns about the ICC and would not advocate the United States joining any treaty that would expand the jurisdiction of the ICC or impose directly or indirectly any obligation on the United States to support the ICC. The jurisdiction of the ICC is strictly defined by the Rome statute at Article 5. Neither of the treaties now being considered by the Senate extends or could extend that jurisdiction. This is clear from the text of the treaties and the intent of the negotiators. Moreover, in no respect will the United States becoming a party to these two treaties affect the provisions of the American Service-members' Protection Act of 2002 (ASPA), including its restrictions on assistance to the ICC. We do

not believe there is any ambiguity on these points and thus no need for clarification through understandings in the resolution of ratification. You and other members of the Senate can be confident that the Administration shares your concerns about the ICC and is fully satisfied that none of those concerns are implicated in these treaties.

We have consulted with the Department of State, which concurs fully in these views, and hope with this letter you and your colleagues will be able to vote in favor of these two important treaties today.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

SENATE STEERING COMMITTEE,
UNITED STATES SENATE,
Washington, DC, October 6, 2005.

Hon. ALBERTO R. GONZALES,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing regarding two critical treaties that the Senate is considering. As a former prosecutor, I believe these treaties could provide important new tools to law enforcement. However, before we ratify them, I seek your assistance in addressing several concerns.

1. *Article 16 of the United Nations Convention Against Transnational Organized Crime.* I am interested in learning whether or not the extradition provisions of this treaty would strengthen our current bilateral arrangements to address problems we have had with nations such as Mexico who refuse to extradite dangerous criminals to the United States. Further, it would appear that our moral position for extradition would be undermined if we explicitly acquiesce in allowing the nation to consider penalties as a basis for denying extradition.

2. *International Criminal Court.* The ICC is mentioned in neither treaty, and the Department of Justice attorneys have maintained that the ICC would have no jurisdiction over matters addressed in them. However, the main reason that the United States rejects the Rome Statute is that the ICC has one prosecutor who initiates investigations with virtually unchecked discretion. I seek further clarification from the Department on whether we can be absolutely certain that these treaties would not provide a vehicle for a case to be brought to the ICC by an overzealous prosecutor. Absent such certainty, it would be my desire to include an understanding to the resolution of ratification that clarifies the United States's position that the ICC may not try cases under the Convention or avail itself of the Convention's extradition or judicial assistance provisions. We could also add an explicit understanding to the resolution that ASPA shall govern application of the Convention by the Executive branch.

Thank you for your assistance.

Sincerely,

JEFF SESSIONS.

Mr. STEVENS. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolutions will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. STEVENS. Mr. President, I am delighted to represent two-thirds of the Senate.

The PRESIDING OFFICER. The Chair recognizes the power of the Senator from Alaska.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 17, 2005

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 2 p.m. on Monday, October 17, contingent upon the Senate's action on the adjournment resolution from the House; that if we do not agree to the adjournment resolution, the Senate reconvene at 12 noon on Tuesday, October 11. I further ask that following the prayer and pledge on October 17, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there be a period for morning business until 3 p.m. equally divided. I further ask that the Senate then proceed to consideration of H.R. 3058, the Transportation-Treasury appropriations bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, when the Senate reconvenes on Monday, October 17, we will begin consideration of the Transportation-Treasury appropriations bill. As we consider the bill, I remind my colleagues to work with Senators Bond and Murray, the bill managers, and to offer amendments early in the week. I alert my colleagues that the first vote during Monday's session will occur at 5:30 p.m.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 11, 2005, OR 2 P.M., MONDAY, OCTOBER 17, 2005

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:11 p.m., adjourned until Tuesday, October 11, 2005, at 12 noon, or Monday, October 17, 2005, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate October 7, 2005:

SUPREME COURT OF THE UNITED STATES

HARRIET ELLAN MIERS, OF TEXAS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE SANDRA DAY O'CONNOR, RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, October 7, 2005:

FEDERAL LABOR RELATIONS AUTHORITY

COLLEEN DUFFY KIKO, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

DEPARTMENT OF HOMELAND SECURITY

STEWART A. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KIM KENDRICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DARLENE F. WILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH E. GOTTFRIED, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

DEPARTMENT OF THE TREASURY

PATRICK M. O'BRIEN, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF COMMERCE

ISRAEL HERNANDEZ, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

EMIL W. HENRY, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF STATE

THOMAS A. SHANNON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

INTER-AMERICAN DEVELOPMENT BANK

JAN E. BOYER, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT A. MOSBACHER, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANLOVICH, OF CALIFORNIA, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION.

DEPARTMENT OF STATE

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

JACQUELINE ELLEN SCHAFER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

BARRY F. LOWENKRON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

AFRICAN DEVELOPMENT FOUNDATION

JENDAYI ELIZABETH FRAZER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2009.

DEPARTMENT OF STATE

FRANCIS ROONEY, OF FLORIDA, TO BE AMBASSADOR TO THE HOLY SEE.

ALFRED HOFFMAN, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF PORTUGAL.

CHARLES A. FORD, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF HONDURAS.

MARK LANGDALE, OF TEXAS, TO BE AMBASSADOR TO THE REPUBLIC OF COSTA RICA.

BRENDA LAGRANGE JOHNSON, OF NEW YORK, TO BE AMBASSADOR TO JAMAICA.

October 7, 2005

CONGRESSIONAL RECORD—SENATE

S11337

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF KOREA.

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR TO THE REPUBLIC OF SINGAPORE.

WILLIAM PAUL MCCORMICK, OF OREGON, TO BE AMBASSADOR TO NEW ZEALAND, AND SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO SAMOA.

DEPARTMENT OF THE INTERIOR

H. DALE HALL, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2010.

ENVIRONMENTAL PROTECTION AGENCY

GEORGE M. GRAY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

LYONS GRAY, OF NORTH CAROLINA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

JULIET JOANN MCKENNA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JOHN R. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF ROBERT S. CONNAN.

WITHDRAWALS

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON OCTOBER 7, 2005 WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATIONS:

PHILIP D. MORRISON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, WHICH WAS SENT TO THE SENATE ON MAY 26, 2005.

TIMOTHY ELLIOTT FLANIGAN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, WHICH WAS SENT TO THE SENATE ON JUNE 20, 2005.